

JOURNAL  
OF THE  
HOUSE OF REPRESENTATIVES

OF THE  
STATE OF ALABAMA,

SESSION OF 1878-9,

HELD IN THE  
CITY OF MONTGOMERY,

Commencing November 12th, 1878.

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WITH AN INDEX,  
*Prepared by the Clerk of the House.*

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MONTGOMERY, ALA. :  
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# JOURNAL.

HALL OF THE HOUSE OF REPRESENTATIVES, }  
MONTGOMERY, Tuesday, 12th Nov., 1878. }

This being the day fixed by law for the meeting of the General Assembly of Alabama, there assembled in the hall of the House, at the Capitol, in the city of Montgomery, at the hour of 12 M., the members elected to the House of Representatives.

The Hon. N. N. Clements, Speaker of the House of Representatives, called the House to order.

On motion of Mr. Saunders, of Madison, Ellis Phelan was elected temporary Clerk.

On motion of Mr. Foster, of Barbour, Mr. James G. Cowan was elected temporary Assistant Clerk.

On motion of Mr. Woolf, Mr. William Knight was elected temporary Door Keeper.

## ENROLLMENT.

The next business being the enrollment of the members, the counties were called, and the following members elect came forward, presented their certificates of election, and enrolled their names, as follows :

*Autauga*—William J. Smith.  
*Barbour*—John A. Foster, Charles F. Massey.  
*Baldwin*—Louis Doline.  
*Bibb*—J. D. Cooper.  
*Blount*—A. S. Davidson.  
*Butler*—T. A. McCane, R. S. Hughes.  
*Calhoun*—James M. Sheid.  
*Chambers*—N. W. Armstrong, A. W. Griggs.  
*Chilton*—John W. Foshee.  
*Cherokee*—John Lawrence.  
*Choctaw*—George W. Taylor.

*Cleburne*—W. J. Alexander.  
*Clay*—J. M. Kennedy.  
*Coffee*—F. M. Rushing.  
*Conecuh*—Eli Clark.  
*Colbert*—John A. Steele.  
*Coosa*—D. J. Thompson.  
*Covington*—Malachi Riley.  
*Crenshaw*—John C. Fonville.  
*Dale*—P. W. Baily.  
*Dallas*—I. H. McIlwain, William P. Molett, F. Boykin Jr.,  
     W. C. Billingslea.  
*DeKalb*—R. F. Gilbert.  
*Elmore*—Thomas Williams.  
*Escambia*—Marcus Lyons.  
*Etowah*—John P. Ralls, M. D.  
*Fayette*—Gustavus Legg.  
*Franklin*—W. P. Jack.  
*Geneva*—John T. Register.  
*Greene*—M. W. Hand, Thomas J. Patton.  
*Hale*—Charles E. Waller, Gillian James.  
*Henry*—R. J. Reynolds.  
*Jackson*—Green D. Campbell, James Evans.  
*Jefferson*—Wm. A. Walker, John J. Akers.  
*Lamar*—J. H. Sanders.  
*Lauderdale*—B. F. Taylor.  
*Lawrence*—D. Webster Boger, John M. Clark.  
*Lee*—Wm. Lowther, J. N. Wood.  
*Linestone*—L. R. Davis, W. R. Crutcher.  
*Lowndes*—H. L. Smith, H. A. Carson.  
*Macon*—W. F. Foster, A. L. Brooks.  
*Marengo*—H. A. Woolf, T. H. Bradford.  
*Madison*—A. S. Fletcher, George C. Saunders.  
*Murion*—M. T. Akers.  
*Marshall*—James Critcher.  
*Mobile*—W. F. Jolley, Sam'l C. Muldon, Gaylord B. Clark,  
     J. Little Smith, Neil McCarron.  
*Monroe*—W. T. Nettles.  
*Montgomery*—W. H. Lawson, David Clopton, John C. Nich-  
     olson, M. L. Kirkpatrick.  
*Morgan*—H. A. Sharpe.  
*Perry*—B. M. Huey, J. A. Fuller.  
*Pickens*—E. D. Willett, J. J. Lee.  
*Pike*—A. H. Owens, W. H. Barnett.  
*Randolph*—J. J. Hearn.  
*Russell*—Lyman W. Martin, W. O. McDougald.

*Shelby*—John W. Pitts.  
*St. Clair*—George W. Ash.  
*Sumter*—J. R. Ramsay.  
*Talladega*—F. W. Bowdon, John W. Heacock.  
*Tuscaloosa*—W. G. Cochrane, W. G. B. Pearson.  
*Tallapoosa*—W. R. Dawson, O. P. Dark.  
*Walker*—J. C. Hutto.  
*Washington*—W. C. Stribling.  
*Wilcox*—John W. Purifoy, George English.  
*Winston*—B. F. Curtis.

#### NOTICE OF CONTEST.

When the county of Conecuh was called, Mr. Clark, of Mobile, gave notice that the seat of the member from that county holding the certificate of election, Mr. Eli Clark, would be contested by Mr. John D. Bennett; and, accompanying the notice, presented the papers in the case, addressed to the Speaker of the House. It was ordered that the papers lie on the table until the permanent organization of the House.

When the county of Lowndes was called, Mr. Clopton, of Montgomery, gave notice that the seat of Mr. H. A. Carson, who holds the certificate of election, would be contested by Mr. Frank Haigler.

#### OATH.

The oath of office was then administered to the members by the Hon. H. Austell, Chancellor of the Southern Chancery Division of Alabama.

Mr. Muldon offered the following resolution, which was adopted:

*Resolved*, That a committee of one from each Congressional District be appointed by the Chair to assign seats to the members of the House.

#### Committee:

Messrs. Muldon, 1st District,  
     Kirkpatrick, 2d "  
     Massey, 3d "  
     Boykin, 4th "  
     Brooks, 5th "  
     Pearson, 6th "  
     Ash, 7th "  
     Fletcher, 8th "

On motion of Mr. Foster, of Barbour, the House adjourned until to-morrow morning, 10 o'clock.

## SECOND DAY.

HOUSE OF REPRESENTATIVES,  
Wednesday, November 13, 1878.

The House met pursuant to adjournment.

The Hon. N. N. Clements, Speaker of the House, in the chair.

Upon the call of the roll the following members answered to their names:

Messrs. Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Campbell, Carson, Cochrane, Cooper, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—93.

Journal of yesterday read and approved.

Mr. Frank Winn, member elect from Clarke, Mr. Groves Caldwell from Bullock, and Mr. E. C. Betts from Madison, came forward, enrolled their names, and after being duly qualified by taking the oath of office before the Speaker, took their seats as members of the House.

The oath of office was also administered to Mr. McCarron of Mobile, as he was not present in the House on yesterday when the oath of office was administered by Chancellor Austell.

Mr. Muldon, from the committee appointed to assign seats to the members, reported that the committee had performed the duty assigned to it, and asked to be discharged.

The report was received and the committee discharged.



The next business in order being the election of the permanent officers of the House—

Mr. Lawrence nominated Hon. David Clopton, of Montgomery, for Speaker.

Those who voted for Mr. Clopton are—

Messrs. Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Billingslea, Boger, Bowden, Boykin, Bradford, Brooks, Campbell, Cochrane, Cooper, Clark of Conecuh, Clark of Mobile, Chritcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—88.

Mr. Clopton having received all the votes cast, viz: 88, was declared to be the duly elected Speaker of the House.

On motion of Mr. Woolf, a committee of two was appointed to wait upon Mr. Clopton and escort him to the chair.

Mr. Clopton thanked the House for the honor conferred upon him, after which the oath of office was administered to him by Mr. Speaker Clements.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, Nov. 13, 1878.

*Mr. Speaker:*

I am instructed by the Senate to notify the House that the Senate has effected a permanent organization, by the election of the following officers, to wit: Wm. G. Little, of Sumter, President; Wm. L. Clay, of Madison, Secretary; Clement C. Shorter, of Barbour, Assistant Secretary; Richard Baugh, of Tuscaloosa, Engrossing and Enrolling Clerk; Thos. S. Herbert, of Montgomery, Door-Keeper; George Y. Jarvis, of Tallapoosa, Assistant Door-Keeper, and is now ready to proceed to business.

W, L. CLAY, Secretary.



The House next proceeded to the election of a Clerk.

Mr. Muldon nominated Ellis Phelan.

Those who voted for Mr. Phelan are—

Messrs. Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Barnett, Billingslea, Boger, Bowden, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—87.

Mr. Phelan having received all the votes cast, viz : 87, was declared duly elected Clerk of the House.

#### ASSISTANT CLERK.

Mr. Woolf nominated Elmore Garrett.

Those who voted for Mr. Garrett are—

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Billingslea, Boger, Bowden, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—89.

Mr. Garrett having received all the votes cast, viz : 89, was declared to be duly elected Assistant Clerk of the House.

## ENGROSSING CLERK.

Mr. Brooks nominated L. C. Ramsey.

Those who voted for Mr. Ramsey are—

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Billingslea, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Jack, Jolley, Kirkpatrick, Lawrence, Lawson, Lee, Lowther, Lyons, Martin, Massey, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—82.

Messrs. Boger and Clark of Conecuh voted for Mr. Pickard.

Mr. Ramsey having received a majority of all the votes cast, viz: 82, was declared to be duly elected Engrossing Clerk of the House.

## ENROLLING CLERK.

Mr. Nicholson nominated Thomas J. Judge, Jr.

Those who voted for Mr. Judge are—

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Clark of Conecuh, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCain, McCarron, McDougald, McIlwain, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—84.

Mr. Judge having received all the votes cast, viz: 84, was declared to be duly elected Enrolling Clerk of the House.

## DOOR-KEEPER.

Mr. Lyons nominated J. D. Hudson.

Those who voted for Mr. Hudson are—

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Cochrane, Cooper, Curtis, Clark of Conecuh, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Mollette, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—87.

Mr. Hudson having received all the votes cast, viz : 87, was declared to be duly elected Door-Keeper of the House.

## ASSISTANT DOOR-KEEPER.

Mr. Lowther nominated W. M. Knight.

Those who voted for Mr. Knight are—

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Billingslea, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Carson, Cochran, Cooper, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molette, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—93.

Mr. Knight having received all the votes cast, viz : 93, was

declared to be duly elected Assistant Door-Keeper of the House.

The oath of office was then administered to the officers elect by the Speaker.

On motion of Mr. Bradford, the Clerk was instructed to notify the Senate of the organization of the House.

Mr. Massey offered the following resolution, which was adopted:

*Resolved*, That the Secretary of State furnish each member of this House with a copy of the Code of Alabama of 1876, and a copy of the Acts of the Legislature for 1876-77, to be returned at the expiration of the session.

#### NOTICE OF CONTEST.

Mr. Steele gave notice that the seat of Mr. J. C. Hutto of Walker, would be contested by Mr. J. B. Sheilds.

Mr. Foster, of Barbour, offered the following resolution:

*Resolved*, That a special committee be appointed to inquire into the propriety and importance of the election of solicitors for the judicial circuits of this State at the present term, and that said committee shall consist of one member from each congressional district, and shall report not later than to-morrow morning.

Mr. Foster, of Macon offered the following as a substitute:

*Resolved*, That the judiciary committee be instructed to inquire and report, at the earliest possible time, whether, according to the provisions of the constitution of the State, it is necessary that the General Assembly shall elect solicitors of the judicial circuits at the present session.

The substitute was adopted, and the resolution, as amended, was adopted.

Mr. Muldon offered the following joint resolution, which was adopted:

*Be it resolved*, That, the Senate concurring, a joint committee of three on the part of the House and two on the part of the Senate, be raised for the purpose of waiting on the Governor and notifying him that the two Houses are now organized and ready to receive any communication he may wish to make.

Mr. Clark of Mobile offered the following resolution, which was adopted:

*Resolved*, That the papers filed by Hon. John D. Burnett, as contestant for the seat of Hon. Eli Clarke, as representative from the county of Conecuh, be published by the Clerk.



On motion of Mr. Woolf, the rules of the last House of Representatives were adopted temporarily.

Mr. Jolley offered the following resolution, which was adopted:

*Resolved*, That a committee of three be appointed to invite the clergy of this city to open the sessions of this House with prayer.

Committee, Messrs Jolley, Ralls and Lawson.

Mr. Woolf offered the following resolution, which was adopted:

*Resolved*, That the Speaker appoint one hall attendant, whose duty it shall be to attend to the gallery.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
November 13th, 1878.

*Mr. Speaker:*

The Senate has concurred in the House joint resolution to raise a joint committee for the purpose of waiting upon the Governor and notifying him that the two houses are now organized and ready to receive any communication he may wish to make.

Committee on part of the Senate: Messrs. Roquemore and Robinson.

W. L. CLAY, Secretary.

Mr. Muldon, from the committee appointed to wait upon the Governor, reported that the Governor would send in his annual message in a few minutes.

#### MESSAGE FROM THE GOVERNOR.

*Mr. Speaker:*

I am directed by His Excellency Governor Houston to communicate to the House of Representatives a message in writing, with accompanying documents.

Respectfully,

IKE H. VINCENT,  
Private Secretary.

The message is as follows:

*Gentlemen of the Senate and House of Representatives:*

The Constitution makes it the duty of the Governor, at



the commencement of each session of the General Assembly, and at the close of his term of office, to give information, by written message, of the condition of the State. I will endeavor to discharge that duty.

While we have been sadly afflicted at some points in our State by a sudden visitation of that dreadful scourge, yellow fever, and have been and are now deeply grieved at its severe results wherever it prevailed, we sympathize not only with our fellow-citizens because of their trouble and bereavements, but also with those of our sister States whose afflictions were greater than our own. In this connection I return my sincere thanks, and yours, and those of our constituents, to those noble and generous people everywhere, not alone in the States of our Union, but those in foreign lands, who so freely contributed to the relief and comfort of our afflicted and dying people. We should also, in the true spirit of Christian resignation, return our heartfelt thanks to the Great Ruler of the Universe that it was no worse, and that it has been abated and removed from amongst us.

I ask pardon if in this message, "giving information of the condition of the State," I may grow tedious and occupy more of your time than ordinarily would be accorded to me.

In a few days my term of office will end, and I will surrender the trust which the people gave me, and therefore I desire to give an account of it, with an expression of hope that I have preserved and will return it in its purity as when committed to my charge.

Peace being of the first importance to all governments, it is with pleasure I note the fact that never in its history has Alabama been freer from strifes and bloodshed, nor her citizens more orderly and law-abiding, than at the present time.

The long and anxiously looked for day when States can hold their elections without Federal interference, and regulate and control their internal affairs, has at last dawned upon us. The entire country is to be congratulated upon the fact that "government bacon" will no longer carry elections in Alabama, nor the arrests nor threats of government officials deter voters and keep them from the polls; that the time has passed when armed soldiers of the Federal government can enter and eject from the legislative halls of a State the legally elected representatives of the people; that Federal bayonets will never again keep the members of a legislature out of the capitol of their State. These are causes of congratulation. How these changes and grand reforms were accomplished, it is needless to say. The untiring efforts and

wise policy of the Democratic and Conservative party caused the wrongs to be righted, and with a continuance of that party's rule we may reasonably expect to enjoy the blessings it has secured.

#### STATE INDEBTEDNESS.

By reference to the report of the Commissioners, submitted to the General Assembly on the 24th day of January, 1876, relative to the indebtedness of the State of Alabama, you will find a clear statement of the principles upon which the compromise and settlement of the public debt were made. Our negotiations leading to this result were fully understood by the parties representing both the State and the bondholders, and the result itself met the prompt sanction of the creditors of the State. The Commonwealth never entertained the idea of repudiating her indebtedness, and even the suspicion of such a purpose, I feel confident, never entered the minds of any of her creditors.

Accepting, in 1874, the nomination of the Democratic and Conservative party, I became a candidate for the office of Governor of the State. I foresaw, if elected, that the adjustment of the public indebtedness would be a delicate, difficult and laborious task. This had been to previous administrations an apparently insurmountable obstacle in their way, and I had misgivings as to my successfully overcoming what had been the cause of signal failure to others.

During the canvass this important subject engaged my earnest and most careful attention, and when the election occurred I had arrived at what seemed to be the best method of relief against the burden that bore so heavily upon our people. This plan, very soon after my inauguration, I heartily recommended to the General Assembly. Indeed, it was well and distinctly indicated in my inaugural address, as will be observed in the following extract:

"Alabama is embarrassed; her indebtedness is great, and her people are impoverished. Time will be necessary to correct errors of the past and establish confidence in the future. We must restore the credit of the State to its former high and honorable position; preserve inviolate her good faith, and at the same time protect our people against excessive, unjust and improper taxation. Wise legislation is required to accomplish these ends."

How could the credit of the State be restored to its former

high and honorable position? This was a momentous question, and by no means easily answered. It was not possible to effect this laudable purpose without the full payment of the interest that had already accrued upon the debts of the State, or by a fair and just compromise of the whole matter. No intelligent person, who has at all considered the subjects of our indebtedness and our resources, could doubt the utter impossibility of such a payment by the State. The only course left for the State was to seek an honorable compromise of its great liabilities. This was the policy well weighed by me, and deliberately determined upon when I entered upon the duties of the gubernatorial office. To have paid the interest daily accruing, without paying one dollar of that which had been long due, would have required taxation so excessive as to have been a virtual confiscation of the property of tax payers. I repeat, then, that the only mode by which the credit of the State could have been restored and maintained untarnished, and the people saved from intolerable burdens, was a frank, fair and just compromise. Such was my conclusion after a patient investigation and long and industrious reflection upon this interesting and grave subject, and I determined to present this view to the Legislature; consequently, at a very early day after my induction into office—on the 7th day of December, 1874—I brought this matter to the attention of the General Assembly by the following message :

EXECUTIVE DEPARTMENT, STATE OF ALABAMA,  
MONTGOMERY, December 7, 1874.

*Gentlemen of the Senate and House of Representatives :*

With the view of ascertaining the State's bonded indebtedness, as well as that arising from its endorsement for railroads, and for the further purpose of making an effort to adjust and arrange such indebtedness, I ask your consideration of the subject, and recommend that you enact a law authorizing the Governor, by and with the advice and consent of the Senate, to appoint two commissioners, who shall be citizens of this State, to whom shall be committed the question of the whole of such indebtedness, with full power on the part of the commissioners to adjust, arrange and compromise any part or all of such indebtedness, as they may think advisable; requiring them, however, before their action shall be obligatory upon the State, to report the same to the Governor, who shall report it to the next session of the General Assembly

after received by him, for approval and ratification.

Very respectfully, your ob't serv't,

GEORGE S. HOUSTON,  
Governor of Alabama.

On the day the message was read and referred to the appropriate committee in the Senate, and after such reference, the late lamented Dr. Ervin, of Wilcox county, introduced a bill embodying substantially the recommendations of the message, and providing for the carrying them into effect. This bill was referred to the same committee. That committee in a few days reported a proper bill that, with very little opposition, and none to the object or plan proposed, promptly passed the Senate. With equal facility the bill passed the House of Representatives, and on the 17th of December, 1874, it became a law.

This action on the part of the General Assembly showed the patriotic anxiety of its members to effectuate an adjustment of the State's indebtedness; to preserve her credit spotless, and at the same time to shield the people from onerous exactions.

On the day the act was approved the commissioners were appointed. It provided that the Governor should also be a commissioner, by virtue of his office. We entered forthwith upon the discharge of our duties, and the results of our labors are now before you. I refer to them with entire confidence that they will receive your approval. Under the adjustment made by the commissioners, the State has issued and exchanged of her new bonds \$7,508,700.

Class A consists of the direct, or what is called straight, bonds of the State, that in no wise have reference to railroads, and bear interest at the rate of two per cent. for five years, three per cent. for the next five years, and four per cent. for the next ten years, and thereafter five per cent.

Class B are bonds issued to take up the four-thousand-dollar-per-mile gold bonds, and make a complete and final separation of the State from all liabilities for and complications with those roads, and bear five per cent. interest.

Class C are bonds issued to take up the bonds endorsed by the State for the Alabama & Chattanooga Railroad Company, and bear two per cent. interest for five years, and thereafter four per cent.

Of class A the State has exchanged six millions three hundred and seventy-three thousand and seven hundred dollars, leaving of that class yet to be exchanged, as nearly as can at



present be ascertained, five hundred and thirty-six thousand four hundred and sixty-nine dollars and fifty cents.

Of class B the State has exchanged five hundred and thirty-five thousand dollars, leaving yet to be exchanged of this class seven thousand five hundred dollars.

Of class C the State had to issue one million of dollars of new bonds and exchange them for the bonds of the Alabama & Chattanooga Railroad Company, which had been endorsed by the State as stated in the law, and the State has issued and exchanged of the new bonds six hundred thousand dollars, and has taken up of the old endorsed bonds the proper amount for the new bonds thus exchanged.

All of the new bonds issued and exchanged, or to be exchanged, are thirty-year bonds, with the right of renewal by the State if desired. From these statements it will be observed, as stated above, that the new bonds already exchanged by the State, under the compromise, amount to seven million five hundred and eight thousand and seven hundred dollars.

The amount yet to be exchanged, including the four hundred thousand dollars of the Alabama & Chattanooga Railroad endorsed bonds, is nine hundred and forty-three thousand and nine hundred and sixty-nine dollars and fifty cents; provided, all the endorsed bonds of said railroad company shall be presented for exchange. To which must be added one million of dollars of funding obligations, making the total amount, exclusive of trust funds, nine millions four hundred and fifty-two thousand six hundred and sixty-nine dollars and fifty cents.

As shown in another part of this message, many millions of dollars of new bonds have been issued and exchanged for old bonds, in pursuance of the terms of the compromise.

In all of those exchanges a complete record has been kept, showing the number and amount of each old bond received, when and from whom received, and under and by authority of what law issued; and that they were canceled, and after being recorded the Secretary of State and the Attorney General examined and compared each bond thus recorded with the record, and then the bonds were burned in the presence of those officers, whose certificates showing the facts are attached.

The records in this department further show the number of new bonds issued and exchanged, the number and amount of each bond thus exchanged, when exchanged, the law under which they were issued, and the name of the party to whom issued.



With much pleasure I invite your inspection and examination of those records.

My purpose has been to leave in this department a full and complete record of the State's bonded indebtedness that could not well be misunderstood.

In connection with our compromise with the holders of the endorsed bonds of the Alabama & Chattanooga Railroad Company, I trust I may be excused for submitting in this message a paragraph from the report of the commissioners:

"A first-class railway running through the State a distance of two hundred and forty miles, and furnishing travel and transportation facilities to an intelligent and enterprising population occupying fertile lands on either side of the road, and which would contribute largely to the development of immense mineral wealth now latent in mines of coal and iron, is a desideratum which we believe would be supplied by an approval and consummation of the agreement which we have made with Mr. Snagge. We are assured that if the bondholders become the owners of the road, and can add to the title which will be obtained under a decree of the United States circuit court, a transfer of the rights of the State under its statutory lien, and can secure a million of dollars in bonds of the State, even at the low rate of interest proposed, they will put the road in good order and make it in all respects a first-class road.

"If the road were put in good order its business would increase, and the taxes from the road alone would no doubt equal the interest to be paid on the new bonds. The average amount of taxes assessed against the company from 1871 to 1874, inclusive, is thirty-seven thousand three hundred and seventy-seven dollars and eighty-one cents. To this add the revenue which would be derived from the enhanced value of property along the line of the road, and it will be apparent that no apprehension of loss to the State need be indulged."

The condition of that road has greatly improved, and the prospects of its further improvement are of the most cheering nature. It is rapidly becoming a road of the very first class; and soon will be inferior to none in the Southern States. It runs entirely across the State, and no one doubts its prosperity, or will deny that it is beneficial to the country. There are some railroad companies whose bonds were endorsed by the State that have not been included in the compromise and settlement of the debt made by the commission-

ers. They had no negotiations with any one in regard to them. They were deeply involved in litigation. This litigation was carried on mainly by bondholders attempting to enforce conflicting claims, but it also implicated the companies to such an extent as to forbid even an examination of their condition. Moreover, no one having any right, authority or control over them appeared to represent their interests before the commissioners.

"I read again from the commissioners' report relative to these roads:

"As to the other five roads—the Montgomery & Eufaula, East Alabama & Cincinnati, Selma & Gulf, Selma, Marion & Memphis, and New Orleans & Selma—the undersigned submit that there is litigation pending in the courts of this State and Tennessee of an important character, involving points of law that will in all probability very materially change the aspect of what is claimed as liability of the State upon its endorsement of the bonds of those companies, and we trust may result in convincing the holders of said bonds that their true interest will be best advanced by their acceptance of a transfer of the lien of the State created by statute, and giving to the State a full discharge from those pretended claims against it."

"I am pleased to assure you that the opinion thus expressed by the commissioners in relation to these five roads is fast becoming a reality. With the exception of those not already sold upon the suit and at the instance of the bondholders, they are still in litigation. At the suggestion of the bondholders they have been placed in the hands of receivers, who control, manage and operate them without reference to, and even regardless of, any right or interest which the State may be supposed to have in them. I believed at the time of the compromise, and am now satisfied, that the bondholders interested in these roads were and are convinced that their interests will be most advanced by their acceptance of the property—said railroads and their equipments—in full discharge of their endorsed bonds.

"The statutory lien of the State upon these roads was established to secure it against loss by reason of its endorsement of the bonds of these companies. It had a right to assume that if the holders of such bonds intended to make the State liable upon its endorsement, they would not interfere with the property upon which the lien was given, but would permit it to be controlled and operated by the compa-

nies for the protection of the State and the ultimate payment of the bonds so endorsed. They have not done so. On the contrary, they have invoked the aid of the courts, have seized the property, taken it out of the hands and management of the companies and placed it out of the reach of the State, except as the result of litigation on its part. In these suits the bondholders are endeavoring to enforce the mortgages executed in their favor, which will deprive the State of the security it had provided to protect itself against loss, and without which it would never have been endorsed by the State. They have, in my judgment, by electing to proceed against the property upon which the State held its lien, waived any right they may have had to hold the State liable as endorser, and in this opinion I am supported by two recent decisions of our supreme court, which I think very strongly intimate that such is the effect of such action."

#### GOLD BONDS LOANED TO THE ALABAMA & CHATTANOOGA R. R. CO.

By an act of the General Assembly of the State of Alabama, approved March 20th, 1875, I, as the then Governor of the State, was authorized and empowered to bargain, sell and convey, in the name of the State of Alabama, amongst other things, the lands known as the Alabama & Chattanooga Railroad lands, and formerly the property of the Alabama & Chattanooga Railroad Company, donated by Congress for the benefit of that road, and which had subsequently become the property of the State. As such Governor, I, under the provisions and in the execution of that law, made and entered into a contract with Mr. Snagge, who represented, and as the representative of the holders of the two millions of dollars of straight gold bonds which had been loaned by the State of Alabama to that railroad company. (The agreement referred to is fully set forth in exhibit "C" to the report of the commissioners to the General Assembly on the 24th day of January, 1876, to which I respectfully call your attention.) That contract was approved by the General Assembly, and under its provisions, and in the full and final execution of it, I have made a transfer of said lands and property, as by the contract and law I was required to do, which was accepted by the bondholders, through their representatives, in full and absolute discharge of the State from any and all liability, under or in any way growing out of said gold bonds. The State's liability on those bonds is entirely discharged and extinguished, and more than a million and a quarter of them have been

returned to me as Governor, which have been recorded, canceled and burned. The others will doubtless, within the time named in the law, be returned ; but whether returned or not, the State's liability is in all things ended.

#### TREASURER, AUDITOR AND SUPERINTENDENT OF EDUCATION.

I respectfully refer you to the reports, herewith submitted, of the Treasurer, Auditor and Superintendent of Education. Those of the Treasurer and Auditor showing the amount and sources of receipts of revenue, and also of expenditures, for the fiscal year ending September 30th, 1878, as well as the estimated receipts and expenditures for the current year. The report of the Superintendent of Education presents to you fully and well the operations of the department under his charge, in the management of the very important subject of our common schools for the period ending September 30th, 1878.

I also ask your careful consideration of such suggestions as they severally make touching the matters and administration of their respective departments.

These important state papers will doubtless satisfy you that the present State administration, in all of its departments, has been eminently economical, not alone in the use of the people's money, but also in abolishing and dispensing with unnecessary offices. And I beg to return to those officers, including the Secretary of State and the Attorney General, my profound thanks for the ability and attention with which they have discharged the duties of their respective offices, and the promptness with which they have responded to calls from this department.

#### REVENUE AND TAXES.

I respectfully invite your attention to our revenue and tax laws, and ask that you give them your earnest consideration. They are in some particulars seriously defective, and should be amended. The great trouble is a seeming inability to have all the taxable property of the State given in for taxation and fairly assessed.

The assessment of all kinds of property is in many cases unequal, and therefore unjust, but especially so as to real estate. Lands in the same neighborhood, and in some instances almost adjoining, and of substantially the same values, are assessed so very unequally that there must be some error or



fault in the assessment. Many such complaints have been made to this office. The law should, in my judgment, be so amended as to require the assessor to avoid or correct such errors; but if they should fail to do it, then there should be in each county a board of officers, the county commissioner, sworn to discharge that duty and to remedy such evils. Tax payers will not and should not be satisfied with such unjust inequalities in the assessment and collection of their taxes.

I also respectfully recommend that proper provision be made, under suitable regulations, so as to protect both the State and the tax payer, by which the tax collectors, as well as the tax assessors, shall make and return supplemental assessments upon escaped taxable property or escaped tax payers. It is unjust to the State, and greatly so to the tax payers who give in their property and pay their taxes, that the property of others should escape, and I would like to see the law so amended as to accomplish these very desirable ends; and in all such omissions by the assessor as are included in the collector's supplement, the State should be exempt from the payment of the increased expense. No one likes to pay tax money. It is generally regarded as a severe requirement, and these very objectionable and unjust inequalities between tax payers make it much more distasteful.

Every member of society has a right to expect protection by the government of his State in the enjoyment of life, liberty and property, and therefore is bound to contribute his proportion towards the cost of that protection, by keeping up and maintaining the government. To secure this result, equality between tax payers in the just and fair assessment of their property is the plain demand of justice and the Constitution.

In my inaugural address, to which I have already referred, I said: "We must restore the credit of the State to its former high and honorable position, preserve inviolate her good faith, and at the same time protect her people against excessive, unjust and improper taxation." Have we done so? What can be properly said of the credit of our State? What was it in 1874? Without money, or the ability to raise it, and a debt of thirty millions of dollars hanging over her people. What is it now? It affords me much pleasure to refer you to the value of her new bonds in the market. According to the rate of interest they bear, they are fully equal to the bonds of any of the Southern or Western States. See also her funding obligations, improperly called "State money." True, they bear 8 per cent. interest; yet, with that



very high rate of interest, they commanded in the market when the Democratic party gained the ascendancy in the State) but little over half of their face value—nothing like equal to the State's new five per cent., and but little if any better than her new two per cent. bonds; while now they are equal in value to currency or gold. So much for the credit of the State.

Have we preserved inviolate the good faith of the State? I have endeavored to show, and think I have shown, in my remarks upon the compromise, of which I have spoken in another portion of this message, that there was nothing said or done by the commissioners, in their negotiations with the State's creditors, that in the least conflicted with, or tended to impair, the good faith of the State; and in addition to this, the State has promptly paid its interest both on its funding obligations and its new bonds. These things necessarily improve the credit of the State and preserve inviolate its good faith.

What has been done as to taxation since we have had control of the State government? The sinking fund tax has been abolished, the one-twentieth of one per cent.; the rate of tax has been reduced from seventy-five to seventy cents on the one hundred dollars' worth of property. These two items make a reduction to the tax payers of over \$100,000 for each year. Much of the license tax has been abolished or reduced; thus showing our firm purpose to "protect the people against excessive, unjust or oppressive taxation."

Shall we at the present session further reduce the rate of taxation? It was the belief of the commissioners who made the compromise and settlement of our State debt, that the rate of taxation—eight per cent., payable half yearly—the State had to pay upon its funding obligations was too high, and that it was the true interest of the State to pay off and cancel these obligations as soon as it could fairly and properly do so. They believed that the then rate of taxation, if substantially retained, would in a few years pay them off and relieve the State, and, of course, the tax payers of that very high rate of interest, and thus exempt them from the heavy burdens growing out of it. This belief of the commissioners was based upon the supposition that the taxable value of the property of the State would remain as great as then shown by the assessments, and, indeed, that it would become of greater value, as the country should grow in prosperity. That would have been the natural result of general prosperity, but the assessments since that time show a large shrink-

age of values ; so much so, that the diminished revenue has been mostly consumed otherwise than in the payment of these obligations.

The question now presents itself : Shall it be our policy to allow the present rate of taxation to remain as it is for a few years, and by proper economy save money enough to pay off and cancel, each year, a portion of these obligations, until the State can get clear of all, or a large portion of her debt that bears so high a rate of interest, and which so largely increases the taxes ? I think it can be done, and my judgment is yet in favor of that policy which will give the people permanent relief from debt and taxation, except enough to meet the legitimate expenses of administering the State government. A proper remodeling of the revenue law, making the same as perfect as we may be able to do, equalizing its burdens upon the property of the people according to the fairly assessed value of the same, will, in my opinion, with an economical administration of the State government, leave a surplus ; not a large one, yet an amount that could with great advantage be applied to the gradual extinguishment of that high interest debt, and thus relieve the people from so improper and unnecessary a burden. With the rate of taxation and the receipts of revenue reduced, as has already been shown, and the State expenses also reduced by the most rigid economy, and in a financial crisis inflicting great injury and distress upon the entire country, the State has not only met all of the proper ordinary demands upon the treasury, but has also paid the interest, as the same became due, upon its funding obligations and new bonds, and yet has a surplus left, after such payments, that could be advantageously applied as I have suggested.

The State paid interest for the fiscal year ending 30th of September, 1875, on funding obligations, \$54,301.51. For the year ending 30th of September, 1876, on funding obligations, \$38,907.01. For the year ending 30th of September, 1877, on such obligations, \$55,064.08, and on the new State bonds \$135,315.00, making the payments for that year \$190,379.08. For the year ending 30th of September, 1878, on funding obligations, \$71,042.86 ; on the new State bonds \$165,479.73, making the interest payment for year \$236,522.59. These amounts also include the necessary expenses the State had to pay in making those payments of interest.

The interest on State obligations may be collected at any of the nine places named in the law, and the expense of thus paying the interest amounts to nearly the one-half of one per

cent., so that the State really pays within a fraction of eight and a half per cent. on the State obligations.

This funding obligation investment, as you see from the report of the Auditor, is a costly one to the State, since it has become so valuable as an investment to capitalists. We find nearly all of it taken up by capitalists, first, because it bears such a high rate of interest, and their confidence that the State is both able and willing, and will be certain to pay not only the interest but also the principal; and, second, because they pay no tax to the State. Therefore, if the million of dollars of these obligations find their way into the hands of Alabamians, who take and hold them for the interest, that amount of the taxable property of the State will be necessarily dropped from the tax list. The receipts of revenue will be thus reduced and the taxes on other property will be held at a higher rate because of this process.

If, however, you prefer the policy of reducing the rate of taxation, and thereby reduce the revenue so that there shall be no surplus left in the treasury at the end of the fiscal year, I will submit my views as to the extent of such reduction.

In determining these questions we should ascertain as well as we can the probable amount of receipts and expenditures for the year, and the prospect of a surplus; for to the extent of such a surplus, or substantially so, unless produced by some temporary cause, the revenue may be reduced, unless there should be a further shrinkage in the value of the taxable property of the State. If such surplus is the certain legitimate result of the rate of taxation on a value that we are satisfied will not further shrink, then I can not doubt but that you can safely reduce the rate of tax to a point that will reduce the revenue so as to leave no such surplus.

In 1874, 1875, 1876, the rate of taxation was seventy-five cents on the one hundred dollars worth of property. In 1877 it was seventy cents on the hundred dollars worth of property, and such is the present rate.

I am satisfied that much of the falling off or reduction on the value of taxable property, proceeds from a real shrinkage of value; then I have no doubt there is much of the property untaxed, as I have already attempted to show in submitting my views on the subject of lands bought by the State at tax sales and the investment in State obligations. Many millions of acres of land, as well as a large amount of town property, have been sold by the tax collectors for taxes and purchased by the State, and under a provision of our revenue law, which I think should be repealed, it is, when

thus sold and purchased, by the State, dropped from the tax list and pays no further taxes, unless redeemed.

This process necessarily reduces the amount of taxable property assessed, and also reduces the amount of revenue collected, unless the taxes be increased upon the property of others by enlarging the value on its assessments, which would be unjust.

You will see, from what I have stated, that upon the funding obligations and new bonds exchanged, there was paid in the year ending 30th of September, 1878, \$236,522 59. Yet after paying that amount, in addition to the other expenses of the State government, there was a surplus left of \$66,883 27, as shown by the report of the Treasurer, and \$70,131 13, as shown in the Auditor's report of that year's operations. True, it is not large, but if it can be regarded as the surplus of each year's operations, then it will certainly be safe to reduce the rate of taxation correspondingly. We should be satisfied, however, that it is a surplus upon which we can rely in the future.

I presume I will be justifiable in saying that the same can be repeated: and as prosperity shall return to the people, as I feel quite confident it will, the value of all kinds of property will increase, which will necessarily increase the taxable value of property and also the amount of revenue received. If this were the ascertained amount of expenses and interest to be paid each year hereafter, and, of course, the amount to be collected, we should have less difficulty, but there are some bonds yet to be exchanged, which when completed will make the amount of interest to be paid each year, \$265,328 38, upon the debt, including funding obligations, some portions of which will be merely nominal.

When exchanging is completed, the debt will be, as nearly as can be ascertained at present, as follows:

Class A.....	\$6,910,169 00	@ 2 per cent	\$138,203 38
Class B.....	542,500 00	@ 5 per cent.....	27,125 00
Class C.....	1,000,000 00	@ 2 per cent.....	20,000 00
	<hr/>		
	\$8,452,669 00		\$185,328 38
Obligations....	1,000,000 00	@ 8 per cent.....	80,000 00
	<hr/>		
	\$9,452,669 00		\$265,328 38

This amount of interest will be decreased somewhat because of the amount of funding obligations canceled and



burned and such as may be lost or destroyed, as well as such amount of them as may come into the State treasury even if they shall be again paid out, or such as may be paid to the school fund and county treasurers. Also by some amount, not yet ascertained, of "class C," and very likely some of the old State bonds may never be presented for exchange. Many such considerations present themselves and have a bearing upon the question, not only as to the amount of reduction proper to be made in the rate of taxation, but also whether any reduction can be safely made.

And again, for three years or more the low rate of interest will continue, but the interest on "class A" will increase to three per cent., and that on "class C" to four per cent., 1st July, 1881, which will have to be paid 1st of January, 1882; and while I admit that the great shrinkage of values since 1874 has disappointed me, yet in my judgment, the bottom has been reached and a distinct and reliable reaction has commenced and will continue, and if the ruinous financial policy of the Federal administration and the unwise legislation of the United States Congress can be corrected, its progress will be much more rapid and reliable, and in my judgment we will then be, because of such prosperity, as well if not better able to pay the increased or higher rate of interest than we are now to pay the present low rate.

These views may be erroneous, yet they are respectfully submitted with some of the reasons upon which they are based, so that if erroneous, you may readily detect the error.

If you determine to leave the funding obligations as a debt against the State, and can rely upon the reported surplus in the treasury on the 30th of September, 1878, as likely to be substantially the amount of surplus of each succeeding year, then there can be no serious doubt but that you can safely reduce the rate of taxation. I speak from the tables and information furnished me by the reports to which I have referred.

Amount of revenue from general taxes paid into the State Treasury and in the counties, for school purposes, for the fiscal year ending 30th of September, 1878, was \$818,269 59. A reduction of the rate of taxation from 70 to 65 cents on the hundred dollars' worth of property would be a reduction of one-fourteenth of the present rate. The one-fourteenth of the amount paid into the Treasury and in the counties for school purposes, as I have stated it, would be \$58,471 38, while a reduction from seventy to sixty would be a reduction

of one-seventh of the present rate and one-seventh of the amount paid in as stated would be \$116,942 76. This may not be the precise amount, as some of the \$818,269 59 was received on account of previous years which may not occur hereafter; but this shows substantially the proper results of such reduction in the present rate.

Of the \$818,269 59 only \$593,499 34 were paid into the Treasury. The balance, say \$224,770 25, was paid in the counties, to the Superintendents, for school purposes, and if you reduce the rate of taxation it will not in any wise affect the amount of school money. True you ascertain the amount of reduction as nearly as you can by combining that paid into the Treasury for ordinary State purposes with that paid in the counties for schools; but when thus ascertained the entire falling off of revenue because of such reduction, as in other cases of loss of revenue will be taken from that paid into the Treasury for ordinary State expenses, leaving the school fund untouched.

There is now in the State Treasury \$32,310 00 of funding obligations. I have paid out none this year, and it was my purpose to cancel and burn those now held in the Treasury by the State, but fearing that something might occur rendering it necessary in the beginning of his administration for my successor to use them, my great desire to prevent embarrassment to him has induced me to leave them within his reach, if necessity should require him to use them. I retired them as they were received in the Treasury, but did not cancel them, hence they can be used by him. I feel quite confident, however, that unless you declare against that policy he can and will cancel and burn them.

#### LAND BOUGHT BY THE STATE AT TAX SALES.

The very large amount of land held by the State, as purchaser at tax sales, and its present anomalous and unprofitable condition, induces me again to call your attention earnestly to the subject, and I respectfully ask to be allowed to refer you to the views submitted by me to the General Assembly at its session in 1876, in relation to such lands. The wrongs and evils of the present system are serious. Some legislation is necessary.

#### IMMIGRATION.

One of the great wants of the Southern States is immigration. Alabama, like the others, needs immigrants.

With peace and quiet, a good government, wise and just laws judiciously administered, a healthful climate, abundance of good and pure water: agricultural fields of rich and productive soils inviting labor; mountains of coal and iron ready to be utilized; water courses well distributed all over the State, of excellent capacity for factories; railroads and steamboats to convey the products of labor to market; a well regulated and administered system of common schools; churches and school houses abundantly and well located and arranged, with a resident population of highly moral, peaceable and law-abiding citizens, Alabama is certainly prepared to offer the best advantages to those who come with the purpose of becoming good citizens of the State, with the view of adding to their own prosperity as well as that of the State. We should throw wide our gates and cordially invite and welcome their coming.

The prosperous condition of those who have settled amongst us and now constitute large portions of our society speaks more eloquently in behalf of Alabama than any words I can use.

We feel proud of such valuable acquisitions. They are quiet, orderly and industrious citizens, acquiring an honorable estate for themselves and at the same time enlarging the prosperity and power of the State.

The financial condition of Alabama has not been such as to authorize an appropriation of its means to further this cause, and consequently it is to other sources we are indebted for most of our immigration. Our railroads are contributing largely to this very desirable end. Let us, if fairly possible, offer even additional advantages to the home seeker and thus aid in building up our State.

#### PENITENTIARY.

I respectfully invite your attention to the present condition of our State Penitentiary, and ask a careful reading of the report of the various officers connected with that institution.

It affords me pleasure to compare its present condition with what it was under its former unfortunate management. Under that management an appropriation of ten thousand dollars had just been wasted upon it when I came into office, a number of claims against it were left outstanding amounting to several thousand dollars, the buildings were in a dilapidated condition, and even the General Assembly in ses-

sion at that time looked upon it in distrust and as a failure. I am happy to say, that since that date, under the management of the present honest and faithful Warden and other officers, order has been brought from chaos, and instead of being an expense to the State it yields a handsome revenue. During the past two years thirty thousand dollars in cash have been paid into the State Treasury—twelve thousand dollars in labor, in payment for penitentiary farm, and twelve thousand nine hundred and twenty-one dollars and twenty cents, building a railroad from Wetumpka to S. & N. R. R., making a total of fifty-four thousand nine hundred and twenty-one dollars and twenty cents over and above all expenses. The salaries of the officers are paid directly from the State Treasury, but the uncollected claims and cash reported on hand by the Warden will greatly exceed that expense.

#### EDUCATION.

Our system of education, by the use of public schools, is producing good results in the State, and as our familiarity with it, and its proper management, shall increase our knowledge of its wants, we will much better understand how to provide for them and add to its usefulness.

The act revising the public school system of the State, approved 8th February, 1877, went into operation the 1st of October thereafter. The experience of one year is hardly sufficient to test the practical value of the changes made. I have no doubt there are defects in the present law which require your attention.

A modification of the provisions of the act of February, 1877, so that teachers, instead of receiving their compensation at the end of the year, shall receive it quarterly, if not monthly, would afford proper relief to a deserving class of people. I recommend this change.

The "common school" has been aptly called the "people's college," and when it is remembered that the larger proportion of the children of the State will be confined to our public schools for whatever of education they may obtain, it will be seen that no subject of greater magnitude or of more general interest can be presented for your consideration. The problem, how to confer the best practical educational advantages upon the greatest number, consistent with justice and duty, is of more difficult solution than many suppose. I trust you may be able to perfect, or make rapid advances towards perfecting, our public school system.



## UNIVERSITY OF ALABAMA, AND THE AGRICULTURAL AND MECHANICAL COLLEGE.

The condition and prospects of the State University, at Tuscaloosa, and the Agricultural and Mechanical College, at Auburn, continue to show steady improvement. The number of cadets is annually increasing in each institution, and will soon require additional buildings for their proper accommodation. The success which has attended the efforts of the trustees and able faculties to provide for all the requirements of the highest departments of university education, should be a matter of satisfaction and pride to every citizen of the State. We may truly say that the time is at hand when it is in no respect necessary for the student to go beyond the boundaries of our own State to perfect himself in any school of practical science. They are deservedly growing in popularity as institutions at which students may acquire thorough and accomplished educations.

The agricultural branch of the Agricultural and Mechanical College, now constituting a separate professorship, and having been placed in charge of a highly competent gentleman as professor—one who, in addition to his high scientific and literary attainments is both a scientific and practical agriculturist, I feel confident that the agricultural interests of the country will be much benefitted by such change.

### NORMAL SCHOOLS.

The importance of having thoroughly qualified teachers for the public schools of the State, cannot be overestimated, hence the value of such institutions as "The State Normal School" at Florence. The beneficial results already obtained from this school justify higher expectations in the future. Its able management in all departments entitles it to confidence and commendation.

### DEAF, DUMB AND BLIND.

The report of the Board of Commissioners and officers of the Alabama Institution for the Deaf, Dumb and Blind, which accompanies this message, will furnish full information as to its condition and management. It is both our duty and our pleasure to aid these afflicted children of the State, and to ameliorate their condition as far as possible by educating them and also instructing them in the art of

handicraft. I commend this institution, and its able and successful management, to your careful and favorable consideration.

#### ALABAMA INSANE HOSPITAL.

I invite your attention to the report of the Trustees and Superintendent of the Alabama Insane Hospital herewith submitted. The unfortunate class of our fellow-beings for whose benefit this institution is provided, deserves your most earnest consideration. The skillful treatment and judicious care which have characterized the management of patients in this asylum, have resulted in restoring many unhappy sufferers to health and reason, and thereby conferred inestimable blessings upon them, while it has justly extended the reputation of the hospital far beyond the limits of the State. No effort should be spared to extend the accommodations of this institution consistent with other interests of the State, until sufficient provision shall be made to bring every unfortunate person bereft of reason, under its beneficent care.

#### REGULATION OF CONTRACTS.

In my message to the General Assembly two years ago, I made a recommendation which I regard as so important that I again respectfully invite your attention to it.

#### PARDONS.

I herewith submit a list of pardons, reprieves and commutations, fines and forfeitures, for the years 1877 and 1878.

#### STATE TROOPS.

It is with pleasure I invite your attention to the report of the Adjutant General of the State. He furnishes facts and information to enable you to understand the condition of this interesting and important branch of the public service. They are entitled to our commendation, and in them we feel a just pride.

#### STATE CERTIFICATES.

In compliance with the act approved March 20, 1875, and

as the terms require, I have caused each of the following notes or bills, after proper examination, recording and comparison, to be burned in my presence, to wit: \$2,235 00 in 5 dollar bills; \$660 in 10 dollar bills; \$640 in 20 dollar bills; and \$1,400 in 100 dollar bills, aggregating four thousand nine hundred and eighty-five dollars (\$4,985 00).

#### LOCAL OR SPECIAL LEGISLATION.

I regard it as important that at an early day of your session, you adopt some rule upon the subject of local or special legislation, so as, if possible, to prevent it from taking up so much of your time. Your present session being limited to fifty days, unless you manage to economize time successfully, it will be quite difficult for you to finish up your legislation in a way entirely satisfactory to yourselves within the time allowed you by the constitution. You certainly have before you an important and laborious session. The next session of the General Assembly being two years off, adds to the importance of the present one, and to avoid the injurious consequences of hasty legislation, more especially at the close of a session, I think it advisable that you mature, as soon as it may be practicable, such important measures of a general character as may require legislation the present session, so that your action upon such measures may be more deliberate, and the certain enactment of such important laws put beyond the hazard of failure by the confusion usually incident to the final adjournment of the session. By the adoption of such course, the engrossing and enrolling clerks, and committees, will have time to engross, enroll and examine with care all bills that may become laws.

Cases have sometimes occurred, in which an error in the enrollment of a bill has inflicted serious injury upon the great interests of the State.

By this course the Governor will also have time to read and more carefully consider such bills as you may cause to be submitted for his approval.

#### CONCLUSION.

I have endeavored to comply fully with the constitutional requirement, by giving you information of the condition of the State, and trust I have succeeded. Before concluding, however, I desire to express my deepest gratitude to the people of Alabama for the honors they have conferred upon

me. It has long been the wish and object of my life to prove myself worthy of their confidence. To this end I have devoted my undivided time and humble ability, which I will continue to do—satisfied that the time will never come when I will not have the interest of the people of Alabama and their welfare at heart.

I trust that the same hearty co-operation and friendly feeling which have existed between the Executive and Legislative Departments of the State Government, during my administration, may continue, and that your patriotic services may cause the State rapidly to advance in prosperity and redound to your honor and glory.

I now respectfully submit for your consideration this, my last biennial message as Governor of Alabama.

GEO. S. HOUSTON.

Executive Department, Nov. 13, 1878.

Upon the conclusion of the reading of the Governor's message by the Clerk,

Mr. Davis moved that the message lie on the table, and five thousand copies of the same be printed.

The motion prevailed.

Mr. Taylor, of Choctaw, offered the following resolution, which was adopted :

*Resolved*, That the Speaker appoint the following standing committees for this House, at the earliest practicable time : Judiciary, Ways and Means, Education, Penitentiary, Local Legislation, Finance, Corporations, Accounts and Claims, Fees and Salaries, Public Roads and Highways, Federal Relations, Counties and County Boundaries, State Capitol, Public Buildings and Institutions Agriculture and Commerce, Military, Appropriations, Public Printing, Privileges and Elections, Enrolled Bills, Engrossed Bills, and a Committee on Rules, of which the Speaker shall be chairman.

On motion of Mr. Steele, the vote by which five thousand copies of the Governor's message were ordered printed, was reconsidered.

Mr. Steele moved to amend the motion of Mr. Davis by striking out five thousand and inserting one thousand.

Mr. Foster, of Macon, moved to amend the amendment by striking out one thousand and inserting five hundred.

Which was adopted, and the resolution as amended was adopted.

On motion of Mr. Woolf, the House adjourned until tomorrow morning 10 o'clock.



## THIRD DAY.

HOUSE OF REPRESENTATIVES,  
Thursday, November 14, 1878.

The House met pursuant to adjournment.

Prayer by Rev. Dr. Andrews.

Upon the call of the roll the following members answered to their names :

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bradford, Caldwell, Campbell, Carson, Cochrane, Cooper, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn.

Journal of yesterday read and approved.

By leave, Mr. Woolf offered the following resolution, which was adopted :

*Resolved*, That the Door-Keeper be authorized to purchase such number of chairs as may be necessary for the House of Representatives.

## CALL OF THE COUNTIES.

Upon the call of the counties bills were introduced :

By Mr. Foster, of Macon (accompanied with publication of notice)—

H. B. 1. A bill to be entitled an act to amend the ninth section of the act to incorporate the town of Tuskegee, in the county of Macon, and for other purposes, and to re-enact the said ninth section of said act of incorporation.

Also,

H. B. 2. To amend section 4202 of the Code of Alabama.  
(Retailing liquor without license.)

By Mr. Brooks—

H. B. 3. To suspend the operation of section 6 of article  
xiii of the Constitution.

By Mr. Woolf—

H. B. 4. To amend the revenue laws of Alabama.

Also,

H. B. 5. To amend section 2148 (1538) of the Code of Ala-  
bama.

Also,

H. B. 6. To prohibit camp hunting in Marengo county by  
any person not a citizen of said county.

Also,

H. B. 7. To amend section 4109 of the Code of Alabama.

By Mr. Huey—

H. B. 8. To amend section 2458 of the Code of Alabama.

Also,

H. B. 9. To amend section 2088 of the Code of Alabama of  
1876, and to reduce the rate of interest in this State.

Also (accompanied with evidence of publication of notice),

H. B. 10. To repeal an act to establish a court of quarter  
sessions for Perry county.

Also (accompanied with evidence of publication of notice,  
&c.,)

H. B. 11. To repeal sections 718 to 724, inclusive, and sec-  
tions 4702 to 4731, inclusive, of the Code of Alabama of 1876,  
so far as the said sections relate to the county of Perry.

Also (accompanied with evidence of publication of notice),

H. B. 12. To repeal an act entitled an act to secure more  
effectually competent and well-qualified jurors in the counties  
of Montgomery, Lowndes, Autauga, Dallas, Perry and Bul-  
lock, so far as the same relates to the county of Perry.

By Mr. Hand—

H. B. 13. To amend section 908 Revised Code of Alabama.

By Mr. Waller (accompanied with publication of notice),

H. B. 14. To amend an act entitled an act to incorporate  
the town of Greensboro, in the county of Hale, approved  
March 1st, 1870.

By Mr. Brooks—

H. B. 15. To organize and regulate a system of public in-  
struction for the State.

By Mr. Stribling—

H. B. 16. To prevent and punish the obtaining of supplies  
or advances with a fraudulent intent.

By Mr. Lyons—

H. B. 17. To amend section 5049 of the Code.

By Mr. Bradford—

H. B. 18. To amend section 4353 of the Code of Alabama.

By Mr. Woolf—

H. B. 19. To amend section 4731 of the Code of Alabama.

By Mr. Boger—

H. B. 20. To amend part 8 of section 358 of the Code of 1876.

By Mr. Taylor of Choctaw—

H. B. 21. To regulate the registration of claims against the fine and forfeiture fund of the several counties of this State.

By Mr. Hutto—

H. B. 22. To repeal an act to consolidate the offices of tax collector and assessor in the county of Walker, approved February 15, 1871.

Also,

H. B. 23. To regulate legal advertisements by constables.

By Mr. McCarron—

H. B. 24. To repeal an act entitled an act to increase the fees of public officers of Mobile county.

Which bills were severally read once and ordered to a second reading on to-morrow.

Leave of absence was granted Mr. Huey for five days, commencing with to-morrow.

#### STANDING COMMITTEES.

The Speaker announced the following standing committees:

*Judiciary*—Messrs. Woolf, Smith of Mobile, Willett, Foster of Barbour, Taylor of Lauderdale, Martin, Cochrane, Walker, Taylor of Choctaw, Riley.

*Ways and Means*—Messrs. Betts, Muldon, Lawrence, Massey, Patton, Akers of Jefferson, Lyons, James and Steele.

*Education*—Messrs. Foster of Barbour, Hand, Griggs, Clark of Mobile, Cochrane, McIlwain, Fonville, Ralls, Huey and Hutto.

*Corporations*—Messrs. Waller, Foster of Macon, Bailey, Nettles, Sharpe, Billingslea, Campbell, Muldon, Stribling, Boger and Kirkpatrick.

*Local Legislation*—Messrs. Taylor of Lauderdale, Bowdon, Reynolds, Jolley, Nicholson, Molett, Brooks, Evans, Saunders of Madison, and Crutcher.

*Accounts and Claims*—Messrs. Lowther, McCarron, Lyons, Bradford, Dark, Register, Lee, Barnett, Heacock and Boger.

*Privileges and Elections*—Messrs. Williams, Walker, Reynolds, Riley, Kennedy, Cooper, Lawson, McDougald and Héacock.

*Federal Relations*—Messrs. Smith of Mobile, Davidson, Caldwell, Dolive, Sheid, Alexander, Rushing, Sanders of Lamar, Gilbert and Owens.

*Counties and County Boundaries*—Messrs. Ralls, Davidson, Bailey, Bradford, Ash, Caldwell, Pitts, Critcher, Wood, Billingslea and Purifoy.

*Penitentiary*—Messrs. Nicholson, Akers of Marion, Pitts, Dark, Hearne, Campbell, Jolley, Stribling and Owens.

*Public Buildings and Institutions*—Messrs. Ramsey, Smith of Autauga, Massey, Dolive, Pearson, Sanders of Lamar, Legg, Jack and English.

*Public Roads and Highways*—Messrs. Pearson, Armstrong, Alexander, Rushing, Thompson, Register, Patton, Clark of Conecuh, and Foshee.

*State Capitol*—Messrs. Lawrence, Kirkpatrick, Nettles, Hughes, Sheid, Armstrong, Fonville, Hand and Winn.

*Military*—Messrs. McCane, Griggs, Kennedy, Boykin, Gilbert, Waller, Akers of Marion, Davis and Steele.

*Appropriations*—Messrs. Boykin, McCane, James, Lawson, Ash, Ramsey, Wood, Barnett and Hutto.

*Public Printing*—Messrs. David, McIlwain, Evans, Lowther, Clark of Lawrence, Brooks, Critcher, Dawson and Clark of Conecuh.

*Agriculture and Commerce*—Messrs. Purifoy, Smith of Autauga, Hughes, McCarron, Fuller, Lee, Dawson, Jack and Legg.

*Fees and Salaries*—Messrs. Willett, McDougald, Thompson, Smith of Lowndes, Clark of Mobile, Williams, Saunders of Madison, Sharpe and Foshee.

*Engrossed Bills*—Messrs. Martin, Huey, Taylor of Choctaw, Hearne, Bowdon, Fletcher, Smith of Lowndes, Winn and Curtis.

*Enrolled Bills*—Messrs. Fletcher, Foster of Macon, Molett, Cooper, Akers of Jefferson, Fuller, Critcher, Clark of Lawrence, and Carson.

*Rules*—Messrs. Speaker, Woolf, Betts, Davis, Fletcher, Foster of Barbour, Brooks, Ralls and Lawrence.



## MESSAGE FROM THE SENATE.

SENATE CHAMBER,

November 14th, 1878.

*Mr. Speaker:*

The Senate passed the following joint resolution :

*Resolved by the Senate* (the House concurring.), That the Secretary of State be, and is hereby, required to furnish to each member of this General Assembly a copy of the Code of Alabama of 1876, for the use of members during the session ; also, journals of Senate and House of last session.

Also the following joint resolution :

*Resolved by the Senate* (the House of Representatives concurring), That a joint committee of ten, to consist of five on the part of the Senate and five on the part of the House (one from each chancery division), be appointed, with instructions to report a bill dividing the State into three chancery divisions ; and that said committee be required to report on or before 11 o'clock on the 19th inst.

Committee on part of the Senate : Wilson, Rather, Buell, Satterfield, Clanton.

Also, joint resolution :

*Resolved by the Senate* (the House of Representatives concurring), That a joint committee, consisting of twelve members from each house—one from each judicial circuit—be appointed, with instructions to report bills dividing the State into judicial circuits in accordance with the provisions of article vi, section 4 of the Constitution ; and that said committee be instructed to report on or before 11 o'clock on Wednesday, the 20th inst.

Committee on part of the Senate : Messrs. Seay, Troy, Hargrove, Wood, Randolph, Torrey, Clarke, Roquemore, Harrison, Robinson, Padgett and Cunningham.

W. L. CLAY, Secretary.

On motion of Mr. Sheid, the House proceeded to the consideration of the Senate message just received, and concurred in the first joint resolution.

The House then proceeded to the consideration of the second resolution.

On motion of Mr. Betts, the further consideration of the second joint resolution was postponed and made the special order for Monday next, 18th inst., at 12 M.

The same order was made in regard to the third joint resolution.

Mr. Betts offered the following joint resolution, which was adopted :

*Resolved by the House* (the Senate concurring), That a joint committee, consisting of five on part of the House and three on part of the Senate, be raised for the purpose of inquiring and reporting into how many chancery divisions and how many judicial circuits the State shall be divided.

Committee on the part of the House: Messrs. Smith of Mobile, Taylor of Lauderdale, Foster of Macon, Taylor of Choctaw, and Sharpe.

On motion of Mr. McCarron, the House adjourned until to-morrow morning 10 o'clock.

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#### FOURTH DAY.

HOUSE OF REPRESENTATIVES,  
Friday, November 15, 1878.

The House met pursuant to adjournment.

Prayer by Rev. Dr. Andrews.

Upon the call of the roll the following members answered to their names :

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Carson, Cochrane, Cooper, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCain, McCarron, McIlwain, Nettles, Nicholson, Owens, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—88.

Mr. Culver, member elect from Bullock county, came forward, enrolled his name, and, after being duly qualified by taking the oath of office before the Speaker, took his seat as a member of the House.

Journal of yesterday read and approved.

## BILLS ON SECOND READING.

The bills—

H. B. 1. To repeal an act to amend the ninth section of the act to incorporate the town of Tuskegee, in the county of Macon, and for other purposes, and to re-enact the said ninth section of said act of incorporation.

H. B. 10. To repeal an act to establish a court of quarter sessions for Perry county.

H. B. 11. To repeal sections 718 to 724 inclusive, and sections 4702 to 4731 inclusive, of the Code of Alabama of 1876, so far as the said sections relate to the county of Perry.

H. B. 12. To repeal an act to secure more effectually competent and well-qualified jurors in the counties of Montgomery, Lowndes, Autauga, Perry and Bullock, so far as the same relates to the county of Perry.

H. B. 23. To repeal an act to consolidate the offices of tax collector and assessor in the county of Walker, approved February 15, 1871.

Were severally read the second time and referred to the committee on local legislation.

The bills—

H. B. 2. To amend section 4204 of the Code of Alabama (retailing liquor);

H. B. 2. To suspend the operation of section 6, article xii, of the constitution.

H. B. 7. To amend section 4109 of the Code of Alabama.

H. B. 8. To amend section 2458 of the Code of Alabama.

H. B. 9. To amend section 2088 of the Code of Alabama of 1876, and to reduce the rate of interest in this State.

H. B. 16. To prevent and punish the obtaining of supplies or advances with a fraudulent intent.

H. B. 18. To amend section 4353 of the Code of Alabama.

H. B. 19. To amend section 4731 of the Code.

H. B. 20. To amend part 8 of section 358 of the Code.

H. B. 21. To regulate the registration of claims against the fine and forfeiture fund of the several counties of this State.

H. B. 23. To regulate legal advertisements by constables.

H. B. 24. To repeal an act to increase the fees of public officers of Mobile county, approved December 7, 1866.

Were severally read the second time and referred to the judiciary committee.

## FEES AND SALARIES.

The bills—

H. B. 5. To amend section 2148 (1538) of the Code.

H. B. 17. To amend section 5049 of the Code;  
Were severally read the second time and referred to the committee on fees and salaries.

The bill—

H. B. 4. To amend the revenue laws of Alabama;  
Was read the second time and referred to the committee on ways and means.

Mr. Woolf asked and obtained leave to withdraw the bill—

H. B. 6. To prohibit camp hunting in Marengo county by any person not a citizen of said county.

The bill—

H. B. 14. To amend an act entitled an act to incorporate the town of Greensboro, in the county of Hale, approved March 1, 1870;

Was read the second time and referred to the committee on corporations.

The bill—

H. B. 13. To amend section 908 Revised Code;  
Was read the second time and referred to the committee on education.

The bill—

H. B. 15. To organize and regulate a system of public instruction for the State;

Was read the second time.

Mr. Brooks moved to refer the bill to a select committee of five.

The motion prevailed.

On motion of Mr. Taylor, of Choctaw, the vote referring the bill to a select committee of five was reconsidered, and the bill was referred to a select committee of nine.

On motion of Mr. Taylor, of Choctaw, the vote by which H. B. 13 was referred to the committee on education, was reconsidered, and the bill was referred to the select committee of nine to which H. B. 15 was referred.

Leave of absence was granted to the chairman of the committee on the military, Mr. McCane, for to-day.

#### CALL OF THE COUNTIES.

Upon the call of the counties bills were introduced—

By Mr. Fonville—

H. B. 25. To repeal an act to consolidate the offices of tax assessor and tax collector of Crenshaw county.

By Mr. Billingslea—



H. B. 26. To form a new county to be called Clanton.

By Mr. Lyons—

H. B. 27. To amend section 290 of the Code ;

Also,

H. B. 28. Granting license to carry unconcealed pistols, or other deadly weapons, under certain conditions herein provided.

By Mr. Ralls—

H. B. 29. To regulate the tax on lands in certain cases.

By Mr. Taylor of Lauderdale—

H. B. 30. To abolish the criminal jurisdiction of the county court of Lauderdale county ;

Also,

H. B. 31. To increase the criminal jurisdiction of justices of the peace in the county of Lauderdale.

By Mr. Boger—

H. B. 32. To repeal section 4369 of the Code ;

Also,

H. B. 33. To repeal article two, chapter one, title six, of part first of the Code ;

Also,

H. B. 34. To authorize the commissioners' court of Lawrence county to lay off their county into four commissioners' districts.

By Mr. Brooks—

H. B. 36. To amend section 4361 of the Code.

By Mr. Fletcher—

H. B. 37. To authorize the court of county commissioners for the county of Madison to issue new bonds to pay off bonds of said county which are now outstanding and will fall due January 1, 1880, and to levy a special tax to pay the interest on said bonds.

By Mr. Nettles—

H. B. 38. To amend section 1586 of the Code.

By Mr. Martin—

H. B. 39. To amend sections 3012 and 3013 of the Code.

By Mr. Ash—

H. B. 40. Making an additional appropriation for the purpose of carrying into effect and extending the provisions of an act for the relief of maimed soldiers, approved March 6, 1876.

By Mr. Purifoy—

H. B. 41. To amend section 4628 of the Code ;

Also,

H. B. 42. To amend section 4646 of the Code ;

Also,

H. B. 43. To amend section 5 of an act to establish a court of revenue for Wilcox county, approved February 3, 1877.

By Mr. Lawrence—

H. B. 44. To amend section 4414 of the Code.

Which bills were severally read once, and ordered to a second reading on to-morrow.

Mr. Boger offered—

H. B. 35. A joint memorial to the Congress of the United States, asking a revision of the homestead law;

Which was read and referred to the committee on Federal relations.

Mr. Foster of Macon offered the following resolution, which was adopted:

*Resolved*, That the committee on the State capitol be instructed to inquire into the condition of the hall of the House of Representatives, whether any, and what, repairs to the same are needed; to make estimates of the probable cost of the same, and to make report thereon at the earliest practicable time.

Mr. Muldon offered the following resolution, which was adopted:

*Be it resolved*, That the judiciary committee be requested to report, as early as practicable, some rule or regulation which shall govern the House in relation to what are to be considered local bills, under the law, and requiring notice of introduction.

The Speaker (Mr. Woolf in the chair) reported a series of rules for the government of the House, which were adopted, and,

On motion of Mr. Davis, two hundred copies were ordered printed for the use of the House.

Mr. Steele moved that all papers and matters relating to the contest in the case of J. B. Shields against Mr. J. C. Hutto, sitting member from Walker county, be referred to the committee on privileges and elections.

The motion prevailed.

On motion of Mr. Foster, of Barbour, all papers on file relating to the contest in the case of J. L. Haigler vs. H. A. Carson, sitting member from Lowndes county, was referred to the same committee.

The same order was made in the case of John D. Burnett vs. Eli Clark, sitting member from Conecuh county.

On motion of Mr. Woolf, the Clerk was instructed to notify the Senate that on to-morrow at 12 M. the votes cast for

executive officers at the last August election will be counted, and to invite the Senate to be present to witness the opening of the returns and the proclaiming of the result of said election.

On motion of Mr. Woolf, the judiciary committee and the committee on ways and means were authorized to employ clerks, the clerk to the committee on ways and means to be required to act as clerk to the committee on education, or any other committee of the House, when not otherwise engaged.

On motion of Mr. Taylor of Choctaw, the House adjourned until to-morrow morning 10 o'clock.

## FIFTH DAY.

HOUSE OF REPRESENTATIVES,  
Saturday, November 16, 1878.

The House met pursuant to adjournment.

Prayer by Rev. Dr. Andrews, of Montgomery.

Upon the call of the roll, the following members answered to their names:

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowden, Boykin, Bradford, Brooks, Caldwell, Campbell, Carson, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Gilbert, Griggs, Hand, Hearn, Heacock, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Martin, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—92.

Journal of yesterday was read and approved.

The Speaker presented the papers in the case of J. B. Shields, contestant, vs. David Hutto, sitting member from Walker county, and they were referred to the committee on privileges and elections, under the order made on yesterday.

## BILLS ON SECOND READING.

The bill—

H. B. 26. To form a new county to be called Clanton ;

Was read the second time.

Mr. Woolf moved to refer the bill to the committee on counties and county boundaries.

Mr. Billingslea moved to amend the motion of Mr. Woolf by striking out "counties and county boundaries," and inserting "corporations."

Mr. Waller moved, as a substitute for the amendment, that the bill be referred to a select committee of eleven.

Mr. Woolf moved to lay the substitute on the table.

Lost.

And the question being put upon the adoption of the substitute, it was lost.

The amendment of Mr. Billingslea was lost, and the motion of Mr. Woolf prevailed, and the bill was referred to the committee on counties and county boundaries.

The bill—

H. B. 27. To amend section 290 of the Code ;

Was read the second time and referred to the committee on fees and salaries.

The bills—

H. B. 28. Granting license to carry unconcealed pistols, or other deadly weapons, under certain conditions herein provided ;

H. B. 29. To regulate the collection of tax on lands in certain cases ;

H. B. 37. To authorize the court of county commissioners for the county of Madison to issue new bonds to pay off bonds of said county which are now outstanding and will fall due January 1, 1880, and to levy a special tax to pay the interest on said bonds ;

Were severally read the second time and referred to the committee on ways and means.

The bills—

H. B. 30. To abolish the criminal jurisdiction of the county court of Lauderdale county ;

H. B. 32. To repeal section 4369 of the Code.

H. B. 33. To repeal article ii, chapter i, title vi, of part 1 of the Code ;

H. B. 36. To amend section 4361 of the Code ;

H. B. 39. To amend sections 3012 and 3013 of the Code.

H. B. 41. To amend section 4628 of the Code ;



H. B. 42. To amend section 4646 of the Code;  
Were severally read the second time and referred to the judiciary committee.

The bill—

H. B. 31. To increase the criminal jurisdiction of justices of the peace in the county of Lawrence;  
Was read the second time.

Various amendments were offered to the bill, which, on motion of Mr. Taylor, of Lauderdale, were laid on the table, and the bill referred to the committee on local legislation.

The bills—

H. B. 25. To repeal an act to consolidate the offices of tax assessor and tax collector of Crenshaw county;

H. B. 34. To authorize the commissioners' court of Lawrence to lay off their county into four commissioners' districts;

H. B. 43. To amend section 5 of an act to establish a court of revenue for Wilcox county, approved February 3, 1877;

Which bills were severally read the second time and referred to the committee on local legislation.

The bill—

H. B. 38. To amend section 1586 of the Code;

Was read the second time.

Mr. Nettles asked and obtained leave to withdraw the bill.

The bill—

H. B. 40. Making an additional appropriation for the purpose of carrying into effect and extending the provisions of an act for the relief of maimed soldiers, approved March 6, 1876;

Was read the second time and referred to the committee on appropriations.

The bill—

H. B. 44. To amend section 4414 of the Code;

Was read the second time and referred to the committee on agriculture and commerce.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
November 16, 1878.

*Mr. Speaker:*

The Senate has concurred in the House joint resolution raising a joint committee to report as to number of chancery divisions and judicial circuits the State shall be divided into.

Committee on the part of the Senate—Messrs. Rather, Troy and Brooks.

W. L. CLAY, Secretary.

Mr. Betts offered the following resolution, which was adopted :

*Resolved*, That the clerk of the judiciary committee, when not occupied with the business of that committee, shall be required to serve the committee on local legislation.

Mr. Nicholson offered the following resolution, which was adopted :

*Resolved*, That the courtesies of the floor are hereby extended to the various newspaper reporters, and that the officers of the House are instructed to show them the usual attentions.

Mr. Taylor moved to reconsider the vote by which H. B. 15, to organize and regulate a system of public instruction ; and H. B. 13, to amend section 908 of the Code, were referred to a select committee of nine.

The motion prevailed, and—

On motion of Mr. Taylor, of Choctaw, the bills were referred to the committee on education.

Mr. Woolf, from the judiciary committee, by leave, made the following report :

*To the House of Representatives :*

The judiciary committee, to whom was referred the resolutions "To enquire and report, at the earliest possible time, whether, according to the provisions of the constitution of the State, it is necessary that the General Assembly shall elect solicitors of the judicial circuits at the present session," have had the subject matter of said resolution under consideration, and instruct me to make the following report :

In the opinion of the committee, under the constitution of the State and the statute as now existing, it is necessary that the present General Assembly elect said solicitors as soon as the circuits are arranged.

Some of the reasons which govern us in arriving at this conclusion are, that the terms of office of the present incumbents will expire, by the express wording of the constitution, before the meeting of the next General Assembly, and we are of the opinion that no authority or power now existing can legally supply the places of officers thus going out of office, thus leaving the State, for a space of time which may be more than one month, without a prosecuting officer in behalf of the interest of the State. It is clear that the executive

cannot supply their places by appointment, and, as the law now stands, no other power can do so. And it is at least doubtful whether this General Assembly can correct and remedy this contingency without an election. That at the expiration of the terms of the present solicitors the new circuits will go into operation without a prosecuting attorney, and in the midst of the holding of the courts in many counties of the State.

And your committee, foreseeing this condition of affairs, are constrained to report that it seems to them that our duty as legislators, for the protection of the interests of the State, demand that this important branch of the judicial department of the State shall not be left without (even for a short time) this important officer. If there should be a doubt on this subject, it seems to your committee that this doubt should be removed. The only mode by which this matter can be remedied without leaving any doubt (if we fail to elect solicitors at this session) is to change by law the time for the meeting of the General Assembly to an earlier date.

H. A. WOOLF, Chairman.

On motion of Mr. Walker, the further consideration of the report was postponed, and made the special order for Monday, 18th inst., 12 m.

#### CALL OF THE COUNTIES.

On the call of the counties, bills were introduced:

By Mr. Davidson—

H. B. 45. To amend section 4199 of the Code.

By Mr. Winn—

H. B. 46. To repeal an act to increase the criminal jurisdiction of justices of the peace and notaries public having like powers, in the counties of Lee, Madison, Clarke, Choctaw, Walker, and Marion, so far as the same relates to the county of Clarke.

By Mr. Rushing (accompanied with publication of notice)—

H. B. 47. To prevent the sale, giving away, or otherwise disposing of spirituous, vinous, or other intoxicating liquors, in one mile of the Baptist church, in the town of Victoria, Coffee county.

By Mr. McIlwain—

H. B. 48. To amend section 1413 of the Code;

Also,

H. B. 49. To punish the obtaining of money or other personal property by promise or contract;

Also,

H. B. 50. To require a person who employs, or in any way engages laborers in the counties of Dallas and Perry, for the purpose of removing said laborers from the State, to pay a license tax.

By Mr. Boykin—

H. B. 51. To amend section 4414 of the Code;

Also,

H. B. 52. To amend section 1586 of the Code.

By Mr. James—

H. B. 53. To amend an act entitled an act to require emigration agents plying their vocation in Barbour and other counties therein named to pay a license tax.

By Mr. Waller—

H. B. 54. To protect the probate judge in the issuing of marriage licenses in certain cases.

By Mr. Walker (accompanied with evidence of publication of notice)—

H. B. 55. To amend section 3 of the charter of the city of Birmingham;

Also,

H. B. 56. To amend section 32 of the Code.

By Mr. Sanders, of Lamar—

H. B. 57. To empower and require justices of the peace in the county of Lamar to perform certain duties relative to the working of the public roads in said county.

By Mr. Brooks—

H. B. 58. For the preservation of game in Macon county, Bibb and Chilton.

By Mr. Foster, of Macon—

H. B. 59. To prevent attorneys and solicitors becoming sureties on official bonds of officers of courts.

By Mr. Fletcher (with evidence of publication of notice)—

H. B. 60. To prevent the sale or giving away of spirituous and vinuous liquors within two miles of the town of Madison, in the county of Madison.

By Mr. Critcher—

H. B. 61. To repeal and act to prohibit the sale of vinous, spirituous, or malt liquors within two miles of the Grange hall and church at Oleander, Marshall county, Alabama.

By Mr. Akers of Marion—

H. B. 62. To repeal the act entitled an act to regulate the

number of persons drawn to serve as petit jurors for the county of Marion.

By Mr. McCarron—

H. B. 63. To amend the first subdivision of section 5047 of the Code.

By Mr. Nicholson—

H. B. 64. Imposing a tax, and prescribing the mode of collecting the same, on the privilege of selling wine, ardent spirits, or malt liquors, within the limits of the State, for the support of the government, and to pay the interest on the public debt.

Which bills were severally read once, and ordered to a second reading on to-morrow.

Mr. Clark of Mobile offered the following joint resolution, which was adopted:

*Be it resolved by the House, the Senate concurring,* That five hundred copies of the report of the commissioners of immigration be printed; that one hundred copies thereof be delivered to the said commissioner for distribution and exchange, and the balance shall be for the use of the General Assembly.

Mr. Clark of Mobile also offered joint resolution to appoint a joint committee to consider and report such legislation as is needed to promote immigration.

Which was read and adopted.

Committee on the part of the House—Messrs. Clark of Mobile, Davis, Smith of Autauga, and McDougald.

Mr. Bowdon offered the following resolution, which was adopted:

*Resolved,* That the committee on Federal relations be instructed to prepare a memorial from this House to the National Congress, representing to that body the misuse and abuse of power indulged by the officers of the U. S. District Court in the State of Alabama against the citizens of said State.

Mr. Lowther offered the following resolution, which was adopted:

*Resolved,* That the committee on education be required to inquire into the propriety of establishing a uniform series of text books for common schools, to be revised every six years, and report by bill or otherwise.

Mr. Purifoy presented petition of citizens of Wilcox county, who reside in Rehoboth beat and in the limits proposed to form a new county to be named Clanton;



Which was referred to the committee on counties and county boundaries.

By leave, Mr. Woolf reported back to the House the bill—

H. B. 3. To suspend the operation of section 6, article xiii, of the constitution; with the view of having it referred to the committee on education.

It was so referred.

On motion of Mr. Woolf, the House took a recess until 10 minutes to 12 M.

At the time designated above, the House was called to order, and the clerk was instructed to invite the Senate into the hall of the House.

#### JOINT CONVENTION.

The hour of twelve o'clock having arrived, the two Houses assembled in joint convention in the hall of the House for the purpose of witnessing the opening of the returns and the proclaiming of the result of the election held in August last for executive officers.

The President of the Senate directed the Secretary to call the roll of the Senate, and the Speaker of the House directed the clerk to call the roll of the House.

There were present of the Senate—

Messrs. President, Banks, Brooks, Buell, Burford, Chambers, Clanton, Clarke, Cunningham, Dobbs, Duncan, Gordon, Hargrove, Harrison, Howell, Johnson, Musgrove, Padgett, Randolph, Rather, Rice, Robinson, Roquemore, Rosamond, Satterfield, Seay, Thornton, Torrey, Troy, Wood—30.

There were present of the House—

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Carson, Cochrane, Cooper, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Crutcher, Dark, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Martin, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nicholson, Owens, Patton, Pearson, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele,

Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—89.

The Speaker then proceeded to open the returns and proclaim the result of the election held on the 5th day of August, 1878, for officers of the executive department of the State, as follows:

<i>Counties.</i>	<i>Gov- ernor.</i>	<i>Sec. of State.</i>	<i>State Treas.</i>	<i>State Aud'tr</i>	<i>Att'y Gen'l.</i>
	R. W. Cobb.	W. W. Screws.	Ike H. Vincent	Wills Brewer.	H. C. Tompkins.
Antauga.....	819	811	818	818	817
Baldwin.....	542	543	542	543	543
Barbour.....	2335	2335	2337	2337	2334
Bibb.....	389	393	395	395	395
Blount.....	1533	1531	1531	1531	1530
Bullock.....	858	854	858	858	862
Butler.....	1215	1217	1219	1218	1221
Calhoun.....	2634	2255	2634	2634	2636
Chambers.....	1001	986	1016	998	998
Cherokee.....	1832	1829	1828	1830	1829
Chilton.....	1103	1101	1104	1104	1104
Choctaw.....	842	842	842	841	783
Clarke.....	1056	1056	1057	1057	1057
Clay.....	841	834	836	836	836
Cleburne.....	1103	1097	1104	1106	1105
Coffee.....	868	869	868	869	870
Colbert.....	1825	1825	1824	1825	1825
Conecuh.....	1011	1011	1011	1011	1012
Coosa.....	946	943	943	945	945
Covington.....	588	588	587	586	587
Crenshaw.....	796	797	797	794	796
Cullman.....	276	271	273	273	272
Dale.....	1581	1568	1590	1568	1581
Dallas.....	4470	4497	4479	4554	4499
DeKalb.....	1310	1309	1310	1306	1310
Elmore.....	1333	1336	1337	1337	1336
Escambia.....	708	704	704	704	703
Etowah.....	898	896	896	896	896
Fayette.....	1117	1126	1123	1130	1129
Franklin.....	971	970	969	971	972
Greene.....	709	698	710	709	710
Geneva.....	299	292	292	292	297
Hale.....	1763	1760	1765	1765	1766
Henry.....	1908	1909	1909	1909	1909
Jackson.....	2841	2820	2840	2843	2844

	<i>Gov- ernor.</i>	<i>Sec. of State.</i>	<i>State Treas.</i>	<i>State Aud'tr</i>	<i>Att'y Gen'l.</i>
<i>Counties.</i>	R. W. Cobb.	W. W. Screws.	He H. Vincent.	Willis Brewer.	H. C. Tompkins.
Jefferson . . . . .	2123	2117	2121	2118	2119
Lamar . . . . .	1252	1249	1252	1249	1252
Lauderdale . . . . .	1336	1335	1335	1334	1336
Lawrence . . . . .	1444	1362	1371	1369	1369
Limestone . . . . .	1165	1162	1162	1161	1161
Lee . . . . .	1314	1314	1315	1313	1315
Lowndes . . . . .	1021	1019	1020	1086	1020
Macon . . . . .	1863	1867	1867	1866	1867
Madison . . . . .	2520	2489	2512	2513	2514
Marengo . . . . .	1897	1897	1896	1897	1897
Marion . . . . .	819	817	817	819	820
Marshall . . . . .	1440	1437	1446	1448	1448
Mobile . . . . .	2385	2410	2409	1780	2409
Monroe . . . . .	1360	1360	1351	1358	1359
Montgomery . . . . .	4153	4148	4151	4150	4148
Morgan . . . . .	1698	1689	1693	1692	1693
Perry . . . . .	1246	1246	1248	1250	1250
Pickens . . . . .	1277	1277	1277	1276	1277
Pike . . . . .	2115	2102	2104	2123	2089
Randolph . . . . .	1236	1232	1234	1236	1236
Russell . . . . .	1143	1140	1143	1143	1141
Shelby . . . . .	956	934	923	933	933
St. Clair . . . . .	1318	1316	1319	1319	1321
Sumter . . . . .	1063	1055	1055	1055	1055
Talladega . . . . .	1344	1343	1349	1353	1355
Tallapoosa . . . . .	1584	1564	1564	1565	1566
Tuscaloosa . . . . .	1482	1479	1480	1480	1480
Walker . . . . .	694	677	675	676	679
Washington . . . . .	656	657	657	657	656
Wilcox . . . . .					
Winston . . . . .	289	116	117	285	410
TOTALS . . . . .	89571	87673	88231	87315	88204

On motion of Mr. Woolf, the House joint convention took a recess for half hour.

At the expiration of the half hour, the joint convention was called to order.

The Speaker then announced that R. W. Cobb, W. W. Screws, Ike H. Vincent, Willis Brewer, and H. C. Tompkins, having received a majority of all the votes cast for Governor, Secretary of State, Treasurer, Auditor, and Attorney General, respectively, were duly elected to said offices for the term prescribed by law.

Mr. Muldon, of the House, asked and obtained leave to make the following explanation as to the cause why, according to the returns from Mobile county, the Honorable Willis Brewer received a smaller vote than the other candidates, viz :

By an error in the printer, the name of Hon. Willis Brewer was omitted in the blanks furnished the inspectors, and on this account two wards in the city and three precincts in the county failed to return the vote cast for him.

On motion of Mr. Howell, of the Senate, the joint convention adjourned, and the Senate repaired to its chamber.

By leave, Mr. Clark, of Lawrence, offered the following resolution, which was adopted :

*Resolved*, That the committee on education be, and it is hereby, required to investigate the reasons why the interest on the 16th section fund of the State cannot be increased to 8 per cent. instead of 4 per cent., to which it has been reduced.

On motion of Mr. Woolf, the House adjourned until Monday morning 11 o'clock.

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## SIXTH DAY.

HOUSE OF REPRESENTATIVES,

Monday, Nov. 18, 1878.

The House met pursuant to adjournment.

Prayer by Rev. Dr. Andrews, of this city.

Upon the call of the roll the following members answered to their names :

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Carson, Cochrane, Curtis, Clark of Conecuh, Clark of Lawrence,



Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearne, Heacock, Hughes, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Martin, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—95.

Leave of absence was granted Mr. Lyons for Saturday and to-day on account of sickness.

Leave of absence was granted Mr. Walker for to-day on account of sickness in his family.

Journal of yesterday read and approved.

#### BILLS ON THEIR SECOND READING.

The bills—

H. B. 45. To amend section 4199 of the Code of Alabama;

H. B. 49. To punish the obtaining of money or other personal property by promise or contract;

H. B. 54. To protect the probate judge in the issue of marriage licenses in certain cases;

H. B. 56. To amend section 32 of the Code;

H. B. 59. To prevent attorneys and solicitors becoming sureties on official bonds of officers of courts—

Were severally read the second time and referred to the judiciary committee.

The bill—

H. B. 46. To repeal an act to increase the criminal jurisdiction of justices of the peace, and notaries public having like powers, in the counties of Lee, Madison, Jackson, Clarke, Choctaw, Walker and Marion, so far as the same relates to the county of Clarke—

Was read the second time.

Mr. Taylor of Choctaw moved to amend so as to make the provisions of the act apply also to Choctaw county.

The bill and amendment were referred to the committee on local legislation.

The bills—

H. B. 47. To prevent the sale, giving away, or otherwise

disposing of, spirituous, vinous, or other intoxicating liquors in one mile of the Baptist church in the town of Victoria, Coffee county;

H. B. 65. To amend section 2223 of the Code;

H. B. 58. For the preservation of game in Macon, Bibb and Chilton counties;

H. B. 60. To prevent the sale or giving away of spirituous or vinous liquors within two miles of the town of Madison, in the county of Madison;

H. B. 61. To repeal an act entitled an act to prohibit the sale of vinous, spirituous or malt liquors within two miles of the Grange hall and church at Oleander, Marshall county;

H. B. 62. To repeal the act to regulate the number of persons drawn to serve as petit jurors for the county of Marion—

Were severally read the second time and referred to the committee on local legislation.

The bills—

H. B. 48. To amend section 1413 of the Code of Alabama;

H. B. 50. To require a person who employs or in any way engages laborers in the counties of Dallas and Perry, for the purpose of removing said laborers from the State, to pay a license tax;

H. B. 53. To amend an act to require emigration agents, plying their vocation in Barbour and other counties therein named, to pay a license tax;

H. B. 52. To amend section 1586 of the Code;

H. B. 51. To amend section 4414 of the Code—

Were severally read the second time and referred to the committee on agriculture and commerce.

The bill—

H. B. 55. To amend section 3 of the charter of the city of Birmingham—

Was read the second time and referred to the committee on corporations.

The bill—

H. B. 57. To empower and require justices of the peace in the county of Lamar to perform certain duties relative to the working of the public roads in said county—

Was read the second time and referred to the committee on public roads and highways.

The bill—

H. B. 63. To amend the first subdivision of section 5047 of the Code—

Was read the second time and referred to the committee on fees and salaries.

The bill—

H. B. 64. Imposing a tax, and prescribing the mode of collecting the same, on the privilege of selling wine, ardent spirits or malt liquors within the limits of the State for the support of the government, and to pay interest on the public debt—

Was read the second time and referred to the committee on ways and means, and 200 copies ordered printed.

MESSAGE FROM THE SENATE.

SENATE CHAMBER,

November 18th, 1878.

*Mr. Speaker:*

I am instructed by the Senate to notify the House that the President of the Senate has, under section 34 of the Code of 1876, appointed the following committee on the part of the Senate to examine the offices of auditor and treasurer: Messrs. Wood, Duncan and Banks.

Also, joint resolution as follows :

*Resolved by the Senate* (the House of Representatives concurring), That the Governor of Alabama, the Hon. R. W. Cobb, be inaugurated in the presence of the two houses of the General Assembly of Alabama, on Thursday, the 28th day of November next (1878), in the hall of the House of Representatives.

WM. L. CLAY,

Secretary of the Senate.

The House next proceeded to the consideration of the Senate joint resolution in regard to the inauguration of the Governor elect, Hon. R. W. Cobb.

On motion of Mr. Foster of Barbour, the resolution was amended by striking out Thursday, the 28th, and inserting Wednesday, 27th.

The resolution as amended was adopted.

CALL OF THE COUNTIES.

On the call of the counties, bills were introduced as follows :

By Mr. Foster of Barbour—

H. B. 65. To amend section 2223 of the Code.

Also,

H. B. 66. To amend section 4617 of the Code.

Also,

H. B. 67. To regulate the disbursement and collection of taxes levied for the payment of the indebtedness of counties prior to the ratification of the Constitution.

Also,

H. B. 68. To regulate the sale, delivery and barter of seed cotton.

Also,

H. B. 69. To permit persons charged with crime to testify.

By Mr. Caldwell—

H. B. 70. To repeal an act to require the tax collector of Bullock county to receive in payment of county taxes registered claims against the general fund of said county, approved February 9th, 1877.

By Mr. McCane (with petition of A. L. O'Brien)—

H. B. 71. To make an additional appropriation for the purpose of continuing in effect an act for the relief of maimed soldiers, approved Feb. 19th, 1867.

By Mr. Sheid—

H. B. 72. For the relief of Martin and Clark, of Calhoun county.

By Mr. Armstrong—

H. B. 73. To prohibit the sale, giving away, or otherwise disposing of, spirituous, vinous or malt liquors within two miles of Milltown Academy, in Milltown, Chambers county.

Also,

H. B. 74. To amend section 1630 of the Code.

By Mr. Taylor of Choctaw—

H. B. 75. To repeal section 750 of the Code.

Also,

H. B. 76. To amend section 3084 of the Code.

Also,

H. B. 77. To amend section 3341 of the Code.

By Mr. Winn—

H. B. 78. To change the name of Charles C. Rickard to Charles C. Doublar.

By Mr. Alexander—

H. B. 79. To amend section 1165 of the Code, in relation to the close of the scholastic year.

By Mr. Kennedy—

H. B. 80. To make Samuel H. Striplin a citizen of Clay county by changing the boundary line between Clay and Cleburne counties.

By Mr. Riley—

H. B. 81. To amend subdivision 1 of section 908 of the Code of 1876.

By Mr. Boykin—

H. B. 82. To amend section 4800 of the Code.

Also,

H. B. 83. To protect persons having an interest in corn, cotton, fruits, or agricultural products as tenants in common, or part owners thereof.

By Mr. McIlwain—

H. B. 84. To provide for the registration of all claims and debts against Dallas county.

Which bills were severally read the first time and ordered to a second reading on to-morrow.

Mr. Foster of Barbour offered the following resolution, which was adopted:

*Resolved*, That the committee on ways and means be requested to inquire into the best method of finding and recovering for the State the volumes of the Alabama Reports which went into the hands of the county solicitors for the counties, and that said committee report by bill or otherwise.

Mr. Lawrence offered the following resolutions, which were severally adopted:

*Resolved*, That the committee on ways and means be instructed to inquire into the propriety and expediency of reducing the tax rate on property from seven-tenths of one per cent. to one-half of one per cent.; and that said committee be requested to report by bill or otherwise.

*Resolved*, That the committee on education be instructed to inquire into the propriety and expediency of reducing the poll tax from one dollar and fifty cents to one dollar; and that said committee be requested to report to this House by bill or otherwise.

*Resolved*, That the committee on ways and means be instructed to inquire into the propriety and expediency of levying a specific tax upon pistols, bowie-knives, and other weapons of a like character; and that said committee be requested to report by bill or otherwise to this House.

The hour of 12 o'clock having arrived, the House proceeded to the consideration of the special order for this hour, it being the Senate joint resolutions—

To appoint a joint committee to divide the State into three chancery divisions;

To appoint a joint committee to divide the State into judi-



cial circuits, in accordance with the provisions of article vi, section 4 of the Constitution—

And concurred in the same.

The House next proceeded to the consideration of the next special order set for this hour, it being the report of the judiciary committee on the question of electing solicitors at the present session; and concurred in the report.

Mr. Smith of Mobile made the following report:

*Mr. Speaker:*

The joint committee which was raised for the purpose of inquiring and reporting into how many chancery divisions and how many judicial circuits the State shall be divided, unanimously instructed me to report—

That, in its opinion, the State should be divided into three chancery divisions, and into eight judicial circuits.

J. LITTLE SMITH,  
Chairman House Committee.

The report was concurred in.

Mr. Sheid moved to adjourn till 4 o'clock this evening.

Mr. Ralls named 10 o'clock to-morrow morning.

The longest time, being first put, carried, and the House adjourned till to-morrow morning at 10 o'clock.

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## SEVENTH DAY.

HOUSE OF REPRESENTATIVES,  
Tuesday, November 19, 1878.

The House met pursuant to adjournment.

Prayer by Rev. Dr. Andrews.

On the call of the roll, the following members answered to their names:

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Carson, Cochrane, Cooper, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Chritchler, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick,

Lawrence, Lawson, Lee, Legg, Lowther, Martin, Massey, Muldon, McCane, McCarron, McDougald, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—95.

Journal of yesterday read and approved.

The Speaker announced the following committees:

To examine auditor's and treasurer's office—Messrs. Lyons, Lawson and Fletcher.

On the joint committee to divide the State into judicial circuits:

Messrs. Waller from 1st circuit,  
Williams from 2d circuit,  
Walker from 3d circuit,  
Jack from 4th circuit,  
Campbell from 5th circuit,  
Clark of Mobile from 6th circuit,  
Willett from 7th circuit,  
Foster of Barbour from 8th circuit,  
Foster of Macon from 9th circuit,  
Bowdon from 10th circuit,  
Riley from 11th circuit,  
Ralls from 12th circuit.

On joint committee to divide the State into three chancery divisions:

Messrs. Smith of Mobile from Southern Division,  
Sharpe from Northern Division,  
Cochrane from Middle Division,  
Taylor of Choctaw from Western Division,  
Martin from Eastern Division.

Mr. Betts moved to reconsider the vote adopting the resolution of Mr. Foster of Barbour, instructing the committee on ways and means to inquire into and report the best means of recovering certain Alabama Reports.

The motion prevailed.

On motion of Mr. Betts, the resolution was amended by striking out the words "ways and means" and inserting the "judiciary."

And, as thus amended, the resolution was adopted.

## BILLS ON SECOND READING.

The bills—

- H. B. 65. To amend section 2223 of the Code;
- H. B. 66. To amend section 4617 of the Code.
- H. B. 69. To permit persons charged with crimes to testify;
- H. B. 76. To amend section 3084 of the Code;
- H. B. 77. To amend section 3341 of the Code;
- H. B. 82. To amend section 4800 of the Code;

Were severally read the second time, and referred to the committee on the judiciary.

The bill—

H. B. 67. To regulate the collection and disbursement of taxes levied for the payment of the indebtedness of counties, existing prior to the ratification of the constitution;

Was read the second time, and referred to the committee on ways and means.

The bills—

H. B. 68. To regulate the sale, delivery, and barter of seed cotton;

H. B. 83. To protect persons having an interest in corn, cotton, fruits, or agricultural product, as tenants in common or part owners thereof;

Were severally read the second time, and referred to the committee on agriculture and commerce.

The bills—

H. B. 70. To repeal an act entitled an act to require the tax collector of Bullock county to receive, in payment of county taxes, registered claims against the general fund of said county, approved February 9, 1877;

H. B. 73. To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous, or malt liquors within two miles of Milltown Academy, in Milltown, Chambers county, Alabama;

H. B. 78. To change the name of Charles C. Rickard to Charles C. Doublar;

H. B. 84. To provide for the registration of all claims and debts against Dallas county;

Were severally read the second time, and referred to the committee on local legislation.

The bill—

H. B. 74. To amend section 1630 of the Code;

Was read the second time, and referred to the committee on public roads and highways.

The bill—

H. B. 72. For the relief of Martin & Clark, of Calhoun county ;

Was read the second time, and referred to the committee on accounts and claims.

The bill—

H. B. 71. To make an additional appropriation for the purpose of continuing into effect an act for the relief of maimed soldiers, approved February 19, 1867 ;

Was read the second time, and referred to the committee on appropriations.

The bill—

H. B. 79. To amend section 1165 of the Code, in relation to the close of the scholastic year ;

H. B. 81. To amend subdivision 1 of section 908 of the Code of 1876 ;

Were severally read the second time, and referred to the committee on education.

The bill—

H. B. 75. To repeal section 750 of the Code of Alabama ;

Was read the second time, and referred to the committee on public printing.

The bill—

H. B. 80. To make Samuel H. Striplin a citizen of Clay county by changing the boundary line between Clay and Cleburne ;

Was read the second time, and referred to the committee on counties and county boundaries.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
November 19, 1878.

*Mr. Speaker :*

The Senate has concurred in the House joint resolutions, as follows :

To appoint a joint committee to consider and report such legislation as is needed to promote immigration.

Committee on the part of the Senate—Messrs. Rather, Bush and Rosamond.

Also,

To provide for the printing of the report of the commissioner of immigration.

W. L. CLAY, Secretary.

## CALL OF THE COUNTIES.

On the call of the counties, bills were introduced :

By Mr. Gilbert—

H. B. 85. To provide for advertising sales by constables in this State.

By Mr. Legg—

H. B. 86. To regulate the number of persons drawn to serve as grand and petit jurors for the counties of Fayette and Lamar.

By Mr. Register—

H. B. 87. To amend subdivision 1 of an act to prescribe additional duties for the treasurer of Geneva county, approved February 5, 1877.

By Mr. James—

H. B. 88. To repeal section 1548 of the Code of Alabama.

By Mr. Waller—

H. B. 89. To amend section 4731 of the Code of Alabama.

Also,

H. B. 90. To prevent malicious or frivolous prosecutions before justices of the peace.

By Mr. Walker—

H. B. 91. To amend section 4460 of the Code ;

Also,

H. B. 92. To amend section 739 of the Code.

By Mr. Davis—

H. B. 93. To amend section 3496 of the Code of 1876.

By Mr. Boger—

H. B. 94. To repeal section 4369 of the Code, so far as relates to the county of Lawrence ;

Also,

H. B. 95. To prohibit the working of convicts sentenced to the penitentiary, outside the walls of the penitentiary, except in certain cases therein named.

By Mr. Clark of Lawrence—

H. B. 96. To provide for the compensation of witnesses summoned to testify as experts.

By Mr. Foster of Macon—

H. B. 97. To prohibit the payment of fines and forfeitures in anything except lawful money of the United States ;

Also,

H. B. 98. To require the proceeds of the hire of county convicts to be paid into the fine and forfeiture fund ;

Also,

H. B. 99. To provide for the registration, and to designate



the order of payment of claims against the fine and forfeiture fund.

By Mr. Brooks—

H. B. 100. To enforce the payment of claims out of the statutory separate estate of married women in suits before justices of the peace.

Also,

H. B. 101. To require mortgagee to enter on margin of the record, at the request of any *bona fide* creditor, the amount secured by them.

Also,

H. B. 102. To provide for the collection of costs in convictions before justices' courts.

Also,

H. B. 103. To regulate the judgment in actions of detinue founded on mortgage.

Also,

H. B. 104. To prevent petit larceny in certain cases.

By Mr. Woolf—

H. B. 105. To divide the State into eight judicial circuits.

By Mr. Bradford—

H. B. 106. To amend sections 931 and 932 of the Code of Alabama.

By Mr. Akers of Marion—

H. B. 107. To regulate the number of persons drawn to serve as grand jurors for the county of Marion.

By Mr. Crutcher—

H. B. 109. To create and establish a criminal court for the trial of misdemeanors in the county of Marshall.

Also,

H. B. 110. To amend section 19 of the act to incorporate the town of Guntersville in Marshall county.

Also,

H. B. 111. To amend the act to incorporate the town of Guntersville, in the county of Marshall.

By Mr. Clark of Mobile—

H. B. 112. To amend section 3921 of the Code, relating to appeals from orders appointing receivers.

By Mr. Muldon—

H. B. 113. To amend section 2688 of the Code of 1876.

By Mr. Speaker (Mr. Foster of Barbour in the chair)—

H. B. 114. To provide for the issuance of certificates and opinions in cases decided by the Supreme Court.

Also,

H. B. 115. To provide for the impeachment and removal

from office of the officers mentioned in section 2 and section 3, article vii, of the constitution of Alabama.

By Mr. Owens—

H. B. 116. To provide for the selection of the homestead and personal property exempt from payment of debts of deceased persons.

By Mr. Ramsey—

H. B. 117. To amend an act to regulate the letting of contracts for public works in Sumter county, approved February 5, 1877.

Also,

H. B. 118. Allowing justices of the peace and other officers certain set-offs to amounts due by them for fines and forfeitures collected.

By Mr. Bowdon—

H. B. 119. To repeal section 4203 of the Code of Alabama of 1876.

By Mr. Dawson—

H. B. 120. To regulate the pay of the county commissioners of Tallapoosa county.

By Mr. Stribling—

H. B. 121. To designate the counties composing the first district, southern chancery division.

By Mr. Purifoy—

H. B. 122. To amend section 4203 of the Code of Alabama. Also,

H. B. 123. To amend section 1179 of the Code of Alabama.

By Mr. Massey—

H. B. 124. To authorize the judge of probate of Barbour county to grant letters of administration on the estate of L. L. Cato, without requiring bond with surety.

By Mr. Hand—

H. B. 125. To allow a change of venue from a justice of the peace of one precinct to another.

Which bills were severally read once and ordered to a second reading on to-morrow.

Mr. Williams introduced a joint resolution—

H. B. 108. Appointing a joint committee to memorialize the Congress of the United States, urging a speedy and liberal appropriation for the improvement of the navigation of our rivers, of the harbor of Mobile, and the channel of entrance thereto, and for other purposes.

Which was read and adopted.

Committee—Messrs. Williams, McCarron and Lawrence.

Mr. Akers offered the following resolution, which was adopted:

*Resolved*, That a special committee of five be appointed to inquire if any, and what, legislation is necessary to provide for the health and safety of persons employed in coal-mining in the State of Alabama, and that said committee report by bill or otherwise.

Committee—Messrs. Akers of Jefferson, Pearson, Pitts, Campbell, and Saunders of Madison.

Mr. Akers of Marion offered the following resolution, which, on motion of Mr. Woolf, was laid on the table:

*Resolved*, That from and including the 20th day of November, 1878, till the adjournment of this General Assembly, this House shall meet at 9:30 o'clock A. M., each day except Sundays, and not adjourn before the hour of 3 P. M., unless the regular order of business shall have been completed before that hour.

Mr. Muldon offered the following resolutions, which were severally adopted:

*Resolved*, That the committee on ways and means, in addition to the consideration of the various revenue bills referred to them, be, and they are hereby instructed to report by bill from time to time, such alterations and amendments to the present revenue law as upon an investigation they may deem advisable.

*Resolved*, That the committee on public printing be, and they are hereby instructed to report what number of the documents accompanying the Governor's message shall be printed, and report thereon as early as practicable.

Mr. Cochrane offered joint resolution providing for the printing of one thousand copies of that portion of the Governor's message relating to the Insane Hospital, and the report of the superintendent, which accompanies said report.

Which was read and adopted.

Mr. Pearson offered the following resolution, which was adopted:

*Resolved*, That the Speaker be requested to add one other member to the judiciary committee, making eleven, instead of ten, as it now stands; and also one member to the committee on education.

The Speaker, under the resolution, added—

To the judiciary committee—Mr. Foster of Macon;

To the committee on education—Mr. Brooks.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Woolf, from judiciary committee, reported favorably, with amendment, to the bill—

H. B. 2. To amend section 4204 of the Code of Alabama. Amend by striking out that portion of the bill that recites the section to be amended.

The amendment was adopted, and the bill ordered to a third reading forthwith; read the third time, and passed—yeas 82; nays 8.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochran, Cooper, Curtis, Clark of Mobile, Critcher, Dark, Davidson, Dawson, Evans, Fonville, Foster of Barbour, Foster of Macon, Fuller, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Massey, Molett, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—82.

Nays—Messrs. Alexander, Clark of Conecuh, Clark of Lawrence, Crutcher, Davis, Dolive, Fletcher, Shied—8.

Mr. Woolf, from same committee, made the following report:

The committee on the judiciary, to whom was referred a resolution, "That the judiciary committee be requested to report, as early as practicable some rule or regulation which shall govern the House in relation to what are to be considered as local bills under the law, and requiring notice of introduction," instruct me to report the same back to the House, with a substitute therefor, which substitute is herewith reported, and we recommend that the substitute be adopted.

H. A. WOOLF, Chairman.

The substitute reported by the committee is as follows—

*Resolved* (with the concurrence of the Senate), That a joint committee, consisting of three from the House and two from the Senate, be appointed to investigate and report to the two Houses of the General Assembly, as early as practicable, some rule or regulation for the government of the two Houses in relation to what are to be considered local or special bills under the constitution and laws of Alabama requiring notice of introduction,

The substitute was adopted, and the resolution as amended was adopted.

Committee—Messrs. Muldon, Brooks, and Woolf.

Mr. Woolf, from same committee, reported favorably to the bill—

H. B. 19. To amend section 3741 of the Code.

Mr. Smith of Mobile moved to amend by adding at the close of the bill:

Provided, that the provisions of this act shall not apply to the city of Mobile, so far as they relate to acts of courts of justices of the peace.

The amendment was adopted.

Mr. McDougald moved to amend so that the provisions of the act shall not apply to Russell county.

Mr. Steele moved to amend so that the provisions of the act shall not apply to Colbert county.

Mr. Clark of Lawrence moved to amend so that the provisions of this act shall not apply to Lawrence county.

The amendments were severally adopted.

Mr. Fletcher moved to amend by inserting the words "or secured," after the word "paid" in ninth line, section 1.

The amendment was adopted.

And the bill ordered to a third reading on to-morrow.

Mr. Woolf, from the same committee, reported back to the House the bill—

H. B. 20. To amend part 8 of section 358 of the Code;

And asked that it be referred to the committee on ways and means.

It was so ordered.

Mr. Woolf, from the same committee, reported favorably to the bill—

H. B. 23. To regulate legal advertisements by constables.

Mr. Sheid moved to amend by striking out the words "at the court-house door, and."

The amendment was adopted.

Mr. Alexander moved to amend by striking out the words "county where such advertisements or notices are re-quired" and insert "precinct where the property levied on is required by law to be sold."

The amendment was adopted.

Mr. Clark of Mobile moved to amend by adding at the close of section 1:

Provided, that whenever the court-house is in the precinct where the sale takes place the notice shall also be posted at the court-house door.

The amendment was adopted.

And the bill ordered to a third reading on to-morrow.

Mr. Woolf, from the same committee, reported favorably to the bill—

H. B. 24. To repeal an act to increase the fees of public officers of Mobile county, approved 7th December, 1866.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 87; nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Betts, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Massey, Molett, Muldon, McCain, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—87.

Mr. Taylor of Lauderdale, from the committee on local legislation, reported favorably to—

H. B. 25. To repeal an act to consolidate the office of tax assessor and tax collector of Crenshaw county.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 84; nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Bowdon, Boykin, Bradford, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Massey, Molett, Muldon, McCane, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choc-

taw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—84.

Mr. Lawrence, from the committee on the State capitol, made the following report :

*Mr. Speaker:* The committee on the State capitol, to whom was referred a resolution instructing said committee to inquire into the condition of the hall of the House of Representatives, whether any, and what repairs to the same are needed, to make estimates of the probable cost of the same, and to make report thereon at the earliest practicable time, ask leave to report as follows :

That the hall of the House of Representatives is in a condition requiring extensive repairs, which, in the opinion of the committee cannot be made during the session of the General Assembly. But the committee would suggest that the speaker's chair, clerk's desks, reporter's table, and some of the desks of the members, be repaired as soon as possible.

JNO. LAWRENCE, Chairman.

The report was concurred in.

Mr. Lawrence, from same committee, reported the following resolution, which was adopted :

*Resolved,* That the door-keeper be instructed to invite some proper mechanic to inspect, in company with the committee on the State capitol, such articles of furniture in the hall of the House of Representatives as require repairs, and employ said mechanic to make such repairs, if, in the opinion of said committee, his charges will be reasonable.

On motion of Mr. Woolf, the House adjourned until tomorrow morning 10 o'clock.

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## EIGHTH DAY.

HOUSE OF REPRESENTATIVES,  
Wednesday, Nov. 20th, 1878.

The House met pursuant to adjournment.

Prayer by Rev. Dr. Mills, of this city.

On the call of the roll, the following members answered to their names :

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea,



Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Carson, Cochrane, Cooper, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—97.

Journal of yesterday read and approved.

#### BILLS ON SECOND READING.

The bills—

- H. B. 85. To provide for advertising sales by constables;
- H. B. 88. To repeal section 1548 of the Code of Alabama;
- H. B. 89. To amend section 4731 of the Code of Alabama;
- H. B. 90. To prevent malicious or frivolous prosecutions before justices of the peace;
- H. B. 91. To amend section 4460 of the Code;
- H. B. 93. To amend section 3496 of the Code of 1876;
- H. B. 94. To repeal section 4369 of the Code as far as it relates to the county of Lawrence;
- H. B. 96. To provide for the compensation of witnesses summoned to testify as experts;
- H. B. 97. To prohibit the payment of fines and forfeitures in anything except lawful money of the United States;
- H. B. 98. To require the proceeds of the hire of county convicts to be paid into the fine and forfeiture fund;
- H. B. 99. To provide for the registration, and to designate the order of payment, of claims against the fine and forfeiture fund;
- H. B. 100. To enforce the payment of claims out of the statutory separate estate of married women in suits before justices of the peace;
- H. B. 101. To require mortgagees to enter on margin of the record, at the request of any *bona fide* creditor, the amount secured by them;

- H. B. 102. To provide for the collection of costs in convictions before justices' courts;
- H. B. 103. To regulate the judgment in actions of detinue founded on mortgage;
- H. B. 104. To prevent petit larceny in certain cases;
- H. B. 109. To create and establish a criminal court for the trial of misdemeanors in the county of Marshall;
- H. B. 112. To amend section 3921 of the Code, relating to appeals from orders appointing receivers.
- H. B. 113. To amend section 2688 of the Code of 1876;
- H. B. 115. To provide for the impeachment and removal from office of the officers mentioned in section 2 and section 3 of article vii of the Constitution of Alabama;
- H. B. 114. To provide for the issuance of certificates and opinions in cases decided by the Supreme Court;
- H. B. 116. To provide for the selection of the homestead and personal property exempt from payment of debts of deceased persons;
- H. B. 118. Allowing justices of the peace and other officers certain set-offs to amounts due by them for fines and forfeitures collected;
- H. B. 119. To repeal section 4203 of the Code of Alabama of 1876;
- H. B. 121. To designate the counties composing the first district, southern chancery division of Alabama;
- H. B. 122. To amend section 4203 of the Code of Alabama.
- H. B. 124. To authorize the judge of probate of Barbour county to grant letters of administration on the estate of L. L. Cato without requiring bond with surety;
- H. B. 125. To allow a change of venue from a justice of the peace of one precinct to another—
- Were severally read the second time and referred to the judiciary committee.
- The bills—
- H. B. 86. To regulate the number of persons drawn to serve as grand and petit jurors in the counties of Fayette and Lamar;
- H. B. 87. To amend subdivision 1 of an act to prescribe additional duties for the treasurer of Geneva county, approved February 5, 1877;
- H. B. 107. To regulate the number of persons drawn to serve as grand jurors for the county of Marion;
- H. B. 117. To amend an act to regulate the letting of contracts for public works in Sumter county, approved Feb. 5th, 1877—

Were severally read the second time and referred to the committee on local legislation.

The bills—

H. B. 92. To amend section 939 of the Code ;

H. B. 120. To regulate the pay of the county commissioners of Tallapoosa county—

Were severally read the second time and referred to the committee on fees and salaries.

The bill—

H. B. 95. To prohibit the working of convicts sentenced to the penitentiary outside the walls, except in certain cases therein named—

Was read the second time and referred to the committee on the penitentiary.

The bill—

H. B. 105. To divide the State into eight judicial circuits—

Was read the second time and referred to the joint committee on dividing the State into judicial circuits.

The bills—

H. B. 106. To amend sections 931 and 932 of the Code of Alabama ;

H. B. 123. To amend section 1179 of the Code of Alabama ;

Were severally read the second time and referred to the committee on education.

The bills—

H. B. 110. To amend section 19 of an act to incorporate the town of Guntersville, in Marshall county ;

H. B. 111. To amend the act to incorporate the town of Guntersville, in the county of Marshall—

Were severally read the second time and referred to the committee on corporations.

#### . CALL OF THE COUNTIES.

On the call of the counties the following bills were introduced :

By Mr. Cooper—

H. B. 126. To regulate the payment of claims against the general fund and fine and forfeiture fund in Bibb county.

By Mr. Davidson—

H. B. 127. To repeal an act regulating the fine and forfeiture fund of the counties of Bibb, Fayette, Marion and Blount, approved Feb. 8, 1877, so far as it relates to the county of Blount.

By Mr. Armstrong—

H. B. 128. To amend section 1657 of the Code.

By Mr. Steele—

H. B. 129. To repeal an act to abolish the office of tax collector of the counties of Bibb and Colbert, and to require the sheriffs of said counties to collect the taxes.

By Mr. Billingslea (with evidence of publication of notice, &c.),

H. B. 130. To amend section one of an act to amend section one of an act to prevent the sale or otherwise disposing of spirituous, malt or vinous liquors within three miles of McKenzie's church, in Monroe county, and within the beat known as Harrell's Cross Roads, in the county of Dallas, approved March 18, 1875, approved Feb. 22, 1876.

By Mr. Boykin—

H. B. 131. To secure the keeping in repair and closing gates erected across public roads.

Also,

H. B. 132. To prevent the sale, purchase or barter of seed cotton in Dallas and Wilcox counties.

By Mr. Lyons—

H. B. 133. To amend section 4738 of the Code of Alabama.

Also,

H. B. 134. To amend section 4739 of the Code of Alabama.

Also,

H. B. 135. To amend section 4763 of the Code of Alabama.

Also,

H. B. 136. To amend section 4879 of the Code of Alabama.

Also,

H. B. 137. To amend section 4880 of the Code of Alabama.

By Mr. Woolf—

H. B. 138. To regulate the sale or disposal of lands purchased by the State at tax sales, and to provide for a proper distribution of the funds arising therefrom.

By Mr. Waller—

H. B. 139. To amend section 4241 (3753) of the Code of Alabama.

By Mr. James—

H. B. 140. To regulate the traffic in seed cotton.

By Mr. Muldon—

H. B. 141. To regulate the manner in which notice is authorized to be given to drawers and endorsers of bills of exchange, endorsers of promissory notes, or other instruments of writing, in cities containing ten thousand inhabitants or more, and in any city or town where the United States free postal delivery is in operation.

By Mr. Nicholson—

H. B. 142. To regulate the sale of cotton in the county of Montgomery, and of cotton produced in said county.

By Mr. Huey—

H. B. 143. To provide lights and fuel, when necessary, for the circuit and chancery courts, and the courts of county commissioners.

Also (with evidence of publication of notice, &c.),

H. B. 144. For the relief of Robert Johnson and H. K. Freeman, of the county of Perry.

By Mr. Willett—

H. B. 145. To amend section 660 (751) of the Code of Alabama.

By Mr. Owens—

H. B. 146. To amend section 1630 of the Code.

By Mr. Dark—

H. B. 147. To require the Secretary of State to furnish each notary public of the State of Alabama with one copy of the Code.

By Mr. Stribling—

H. B. 148. To amend sections 888 and 895 of the Revised Code.

By Mr. McDougald—

H. B. 149. To repeal an act in relation to the fine and forfeiture fund of Tuscaloosa and other counties therein named, approved March 27, 1873, as to Russell county.

By Mr. Clark of Mobile—

H. B. 150. To provide for the execution by the several chancery courts of certain decrees in equity cases originating in the circuit courts of this State.

By Mr. McIlwain—

H. B. 151. To provide a fund for the payment of witnesses for the State in the circuit court of Dallas county and in the city court of Selma, and to prescribe their compensation.

By Mr. Lawrence—

H. B. 152. To define and limit the number of counties to compose the northern chancery division.

Which bills were severally read once and ordered to a second reading on to-morrow.

Mr. Griggs offered the following resolution, which was adopted:

*Resolved*, That the judiciary committee of the House be instructed to inquire into the expediency of repealing the law for the registration of electors, and report by bill or otherwise.

Mr. Bowdon offered the following joint resolution, which was adopted and ordered to be sent forthwith to the Senate:

*Be it resolved by the House of Representatives* (the Senate concurring), That the General Assembly proceed to the election of solicitors upon a future day of this session, to be determined as soon as practicable after the judicial circuits in the State shall have been located, in accordance with the provision of section 4, article vi of the Constitution of the State of Alabama.

MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
November 20th, 1878.

*Mr. Speaker:*

The Senate refuses to concur in the House amendment to the Senate joint resolution appointing Thursday, the 28th inst., as the day for the inauguration of Hon. R. W. Cobb, Governor elect, by striking out Thursday the 28th, and inserting Wednesday the 27th;

And has adopted—

s. 1. Memorial of the General Assembly to the Congress of the United States in relation to a national quarantine law.

W. L. CLAY, Secretary.

REPORTS FROM STANDING COMMITTEES.

Mr. Taylor of Lauderdale, from the committee on local legislation, reported favorably to the bill—

H. B. 34. To authorize the commissioners' court of Lawrence county to lay off their county into four commissioners' districts.

The bill was ordered to a third reading forthwith, read the third time, and passed. Yeas 97; nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Bradford, Brooks, Caldwell, Campbell, Carson, Cochrane, Cooper, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett,

Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—97.

Mr. Williams, from the committee on privileges and elections, submitted the following:

Your committee, to whom was referred the matter of the contest by John B. Shields of the seat of J. C. Hutto, from Walker county, have considered the same, and beg to report—

That the commissioners' court of Walker county duly established and defined seventeen beats, or election precincts, numbered from 1 to 17 inclusive, prior to the election for representatives, and that inspectors were appointed and elections held in all of said precincts, and returns made as provided by law; that by those returns, if the votes from all of the precincts are counted, the contestant, John B. Shields, received 672 votes, and J. C. Hutto 644; that the supervisors of the election refused to estimate and include in their returns the votes of three precincts, numbered 13, 15 and 16, because they were in range 5 west, and that, excluding the votes of these three precincts, the result was that J. C. Hutto received 610 votes, and the contestant, J. B. Shields, 590; that the ground for excluding the votes of said precincts, numbered 13, 15 and 16, was that under the act entitled "An act to change the boundary line between the counties of Blount, Walker and Jefferson, and to authorize the removal of the county seat of Blount county," approved February 8th, 1877, the territory in range 5 west, embracing said three precincts, was taken away from Walker and given to Blount, and that voters in said territory could not legally vote in Walker county.

A majority of your committee are of the opinion that the votes of said precincts, numbered 13, 15 and 16, were properly excluded, and report that J. C. Hutto is entitled to his seat in the House as the representative from Walker county.

W. H. LAWSON,  
R. J. REYNOLDS,  
MALACHI RILEY,  
JNO. W. HEACOCK,  
J. M. KENNEDY,  
J. D. COOPER.



The undersigned, a minority of your committee to whom was referred the matter of the contest by John B. Shields of the seat of J. C. Hutto, from Walker county, have considered the same, and beg leave to make this minority report :

That the only matter of contest between the contestant, J. B. Shields, and the member, J. C. Hutto, from Walker county, turns upon the construction of the act of the Legislature approved Feb. 8, 1877, mentioned in the majority report of your committee.

That it was shown and admitted that if, by said act, range 5 west is not taken from Walker county, the contestant, J. B. Shields, received a majority of the votes of said county for representative.

The undersigned are clearly of the opinion that a proper construction of said act leaves range 5 west still in Walker county, and therefore report to the House that the contestant, J. B. Shields, is entitled to be seated as the member from Walker county, and that J. C. Hutto is not entitled to be seated.

THOS. WILLIAMS,  
WM. A. WALKER.

Mr. Ralls moved to substitute the minority report for the majority report.

Pending the consideration of which, the hour of 12 o'clock arrived, when the house proceeded to the consideration of bills on their third reading.

The bill—

H. B. 19. To amend section 4731 of the Code of Alabama—  
Was read the third time and passed. Yeas 82; nays 4.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Conecuh, Crutcher, Dark, Davis, Davidson, Dawson, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Martin, Massey, Molett, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sheid, Smith of Autauga, Smith of Mobile, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—82.

6h

Nays—Messrs. Boger, Sharpe, Steele and Winn—4.

The bill—

H. B. 23. To regulate legal advertisements by constables,  
Was read the third time and passed. Yeas 95; nays 0.

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochran, Cooper, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearne, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—95.

The House resumed the consideration of the motion of Mr. Ralls, and on motion of Mr. Lawson its further consideration was postponed and made the special order for to-morrow morning 11 o'clock.

The House next proceeded to the consideration of Senate messages.

On motion of Mr. Foster of Barbour, the House receded from its amendment to the Senate joint resolution for fixing a day for the inauguration of the Governor elect, and concurred in the joint resolution.

s. 1. Memorial of the General Assembly to the Congress of the United States in relation to a national quarantine law,

Was read and referred to the committee on federal relations.

On motion of Mr. McCarron, the House adjourned until to-morrow morning 10 o'clock.

## NINTH DAY.

HOUSE OF REPRESENTATIVES,  
Thursday, November 21, 1878.

The Hosue met pursuant to adjournment.

Prayer by Rev. Dr. Mills.

Upon the call of the roll the following members answered to their names :

Messrs. Speaker, Akers of Jefferson, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Carson, Cochran, Cooper, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—95.

Journal of yesterday read and approved.

## BILLS ON SECOND READING.

The bills—

H. B. 126. To regulate the payment of claims against the general fund and fine and forfeiture fund in Bibb county.

H. B. 127. To repeal an act regulating the fine and forfeiture fund of the counties of Bibb, Fayette, Marion and Blount, approved Feb. 8, 1877, so far as it relates to the county of Blount.

H. B. 129. To repeal an act to abolish the office of tax collector of the counties of Bibb and Colbert, and to require the sheriffs of said counties to collect the taxes.

H. B. 130. To amend section one of an act to amend section one of an act to prevent the sale or otherwise disposing of spirituous, malt or vinous liquors within three miles of

McKenzie's church, in Monroe county, and within the beat known as Harrell's Cross Roads, in the county of Dallas, approved March 18, 1875, approved Feb. 22, 1876.

H. B. 132. To prevent the sale, purchase or barter of seed cotton in Dallas and Wilcox counties.

H. B. 142. To regulate the sale of cotton in the county of Montgomery, and of cotton produced in said county.

H. B. 151. To provide a fund for the payment of witnesses for the State in the circuit court of Dallas county and in the city court of Selma, and to prescribe their compensation.

Were severally read the second time, and referred to the committee on local legislation.

The bills—

H. B. 133. To amend section 4738 of the Code of Alabama.

H. B. 134. To amend section 4739 of the Code of Alabama.

H. B. 135. To amend section 4763 of the Code of Alabama.

H. B. 136. To amend section 4879 of the Code of Alabama.

H. B. 137. To amend section 4880 of the Code of Alabama.

H. B. 139. To amend section 4241 (3753) of the Code of Alabama.

H. B. 141. To regulate the manner in which notice is authorized to be given to drawers and endorsers of bills of exchange, endorsers of promissory notes, or other instruments of writing, in cities containing ten thousand inhabitants or more, and in any city or town where the United States free postal delivery is in operation.

H. B. 143. To provide lights and fuel, when necessary, for the circuit and chancery courts, and the courts of county commissioners.

H. B. 144. For the relief of Robert Johnson and H. K. Freeman, of the county of Perry.

H. B. 145. To amend section 660 (751) of the Code of Alabama.

H. B. 146. To amend section 1630 of the Code.

H. B. 150. To provide for the execution by the several chancery courts of certain decrees in equity cases originating in the circuit courts of this State.

H. B. 152. To define and limit the number of counties to compose the northern chancery division of this State.

Were severally read the second time and referred to the judiciary committee.

The bills—

H. B. 128. To amend section 1657 of the Code.

H. B. 131. To secure the keeping in repair and closing gates erected across public roads.

Were severally read the second time and referred to the committee on public roads and highways.

The bills—

H. B. 138. To regulate the sale or disposal of lands purchased by the State at tax sales, and to provide for a proper distribution of the funds arising therefrom.

H. B. 147. To require the Secretary of State to furnish each notary public of the State of Alabama with one copy of the Code.

Were severally read the second time and referred to the committee on ways and means.

The bill—

H. B. 148. To amend sections 888 and 895 of the Revised Code.

Was read the second time and referred to the committee on education.

The bill—

H. B. 140. To regulate the traffic in seed cotton.

Was read the second time and referred to the committee on agriculture and commerce.

The bill—

H. B. 149. To repeal an act in relation to the fine and forfeiture fund of Tuscaloosa and other counties therein named, approved March 27, 1873, as to Russell county.

Was read the second time, and referred to the committee on counties and county boundaries.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor, by his Private Secretary, Mr. Ike H. Vincent:

EXECUTIVE DEPARTMENT,  
MONTGOMERY, ALA., Nov. 20, 1878.

*Mr. Speaker and Gentlemen of the House of Representatives:*

I invite your attention to the report of Hon. John A. Bilups, one of the trustees in charge of the lands that the State of Alabama transferred to trustees for the benefit of certain bondholders under the act approved 23d February, 1876, and trust that you will give to his suggestions proper consideration.

I think the share, for which the lands may be sold, that belongs to the State should be paid, and settlements be made

by the trustee at such times and as often as you by law may require.

Respectfully,  
GEO. S. HOUSTON, Governor.

The message of the Governor was read, and—

On motion of Mr. Woolf, referred to the committee on ways and means, with instructions to inquire into the matter referred to and report by bill or otherwise.

#### CALL OF THE COUNTIES.

On the call of the counties, bills were introduced :

By Mr. Fonville—

H. B. 153. To amend subdivision 2 of section 651 of the Code of 1876, in relation to the time for holding the circuit courts in the 11th judicial circuit.

By Mr. Ralls—

H. B. 154. To amend section 4310 of the Code.

By Mr. Lyons—

H. B. 155. To prevent camp hunting in the county of Escambia.

By Mr. Akers of Jefferson—

H. B. 156. Prescribing the duties of township trustees.

By Mr. Taylor of Lauderdale—

H. B. 157. To amend section 79 of the Code of Alabama.

Also,

H. B. 158. To regulate insurance companies so as to secure to the assured, in certain cases, the full amount of insurance against fire written on the policy of insurance.

By Mr. Davis—

H. B. 159. To prevent the sacrifice of real estate of deceased persons, by forced sale for cash, upon which there was a valid lien at the time of the death of the decedent.

By Mr. Betts—

H. B. 160. To repeal sections 4409, 4410, 4411 of the Code, so far as they affect the county of Madison.

By Mr. Clark of Mobile—

H. B. 161. To require, banks, bankers, insurance companies, and others engaged in the business of lending money, to give receipts for collaterals.

By Mr. Nicholson—

H. B. 162. To amend section 4196 of the Code.

By Mr. Speaker (Mr. Ralls in the chair)—

H. B. 163. To amend section 2293 of the Code of Alabama.

Also,  
H. B. 164. To amend section 4358 of the Code of Alabama of 1876.

By Mr. Willett—

H. B. 165. To amend section 666 of the Code, and to repeal section 5063 of the Code.

By Mr. Owens—

H. B. 166. To repeal sections 3286, 3287, and 3288 of the Code.

By Mr. Ramsey—

H. B. 167. To repeal an act to enlarge the jurisdiction of justices of the peace in Sumter county, north of the line dividing townships twenty and twenty-one in said county, approved March 17, 1875.

By Mr. Dawson—

H. B. 168. To repeal an act to incorporate the town of Dadeville, in Tallapoosa county, approved 6th day of March, 1871.

Which bills were severally read once, and ordered to a second reading on to-morrow.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
November 21, 1878.

*Mr. Speaker :*

The Senate has adopted the following joint resolutions—

H. B. 108. Joint resolution to memorialize the Congress of the United States, urging a speedy and liberal appropriation for the improvement of the navigation of our rivers, of the harbor of Mobile, and the entrance thereto, and for other purposes.

Committee on the part of the Senate—Messrs. Brooks, Buell and Wood.

Also,

Joint resolution raising a joint committee to report some rule governing the introduction of local laws.

Committee on part of the Senate—Messrs. Bush and Harrison.

And has amended, as therein shown, and, as amended, has concurred in the House joint resolution providing for the printing of one thousand copies of that portion of the Governor's message relating to the Insane Hospital, and the report of the superintendent.

WM. L. CLAY,  
Secretary of the Senate.



Mr. Walker offered the following resolution, which was adopted :

*Resolved*, That the committee on education be instructed to inquire what legislation is necessary to authorize county superintendents of education to disburse the poll tax that has been paid over to them in cases where the assessor assessing such tax has made no note on the assessment lists of the township and range in which the persons paying such poll tax reside, and that said committee report by bill or otherwise.

By leave the following bills were introduced :

By Mr. Huey—

H. B. 169. To make an additional appropriation for the purpose of carrying into effect an act for the relief of maimed soldiers, approved March 6, 1876.

By Mr. Taylor of Choctaw—

H. B. 170. To provide for the better protection of the fees of officers of the court, payable out of the fine and forfeiture fund of Choctaw county.

By Mr. Bradford—

H. B. 171. To amend the first subdivision of section 908 of the Code of Alabama.

By Mr. Rushing—

H. B. 172. To allow the electors of the counties of Coffee and Geneva to vote at any of the precincts of their respective counties, under certain restrictions.

By Mr. Clark of Mobile—

H. B. 173. To fix the time for holding the circuit courts of the sixth judicial circuit of Alabama and to regulate the practice thereof.

By Mr. McCarron—

H. B. 174. To repeal an act to establish a board of commissioners of roads in the county of Mobile, and to prescribe the duties thereof, approved December 20, 1871, and an act amendatory thereof, approved March 8, 1876.

Which bills were severally read once and ordered to a second reading on to-morrow.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Woolf, from the judiciary committee, reported a substitute for the bill—

H. B. 39. To amend sections 3012 and 3013 of the Code. The substitute was adopted.

Pending the consideration of the bill, the hour of 11 o'clock

arrived, when the special order for this hour was taken up.

The question pending being the motion of Mr. Ralls to substitute the minority for the majority report of the committee on privileges and elections in the matter of the contest of J. B. Shields—

On motion of Mr. Lawson, the motion to substitute was laid on the table.

And the House concurred in the majority report.

The House resumed the consideration of House bill 39.

The bill was ordered to a third reading forthwith; read the third time, and passed—yeas 86; nays 9.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foster of Barbour, Hearn, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, McCain, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—85.

Nays—Messrs. Boger, Bowdon, Curtis, Clark of Lawrence, Critcher, English, Sharpe, Sheid, Steele—9.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,

November 21st, 1878.

*Mr. Speaker :*

The Senate has originated and passed the following bill—  
s. 36. A bill to be entitled an act for the relief of school-teachers for the last scholastic year.

W. L. CLAY,  
Secretary of Senate.

The Senate bill just received (s. 36) was read once, and ordered to a second reading on to-morrow.

Mr. Woolf, from the judiciary committee, reported favorably to the bill—

H. B. 59. To prevent attorneys and solicitors becoming sureties on official bonds of officers of courts.

Mr. Wood moved to amend by adding, "farmers, physicians and mechanics."

On motion of Mr. Lyons, the amendment was laid on the table.

Mr. Clark of Mobile moved to amend by adding after the words "notaries public," the words, "except commercial notaries public."

The amendment was adopted.

And the bill ordered to a third reading forthwith; read the third time, and passed—yeas 69; nays 24.

Yeas—Messrs. Speaker, Akers of Jefferson, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Bowdon, Boykin, Bradford, Brooks, Campbell, Cochrane, Cooper, Clark of Mobile, Critcher, Dark, Davidson, Dawson, Dolive, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Heacock, Huey, Hutto, James, Jolley, Kennedy, Kirkpatrick, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCarron, McIlwain, Nettles, Nicholson, Owens, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Riley, Rushing, Sharpe, Smith of Antauga, Smith of Lowndes, Smith of Mobile, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—69.

Nays—Messrs.—Akers of Marion, Boger, Caldwell, Culver, Curtis, Clark of Lawrence, Crutcher, Davis, English, Hearn, Hughes, Jack, Lawrence, Lawson, Lee, Legg, Patton, Reynolds, Sanders of Lamar, Sanders of Madison, Sheid, Steele, Stribling, Wood—24.

Leave of absence was granted Mr. McDougald for one week.

On motion of Mr. Stribling, the House adjourned until tomorrow morning 10 o'clock.

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## TENTH DAY.

HOUSE OF REPRESENTATIVES,  
Friday, November 22, 1878.

The House met pursuant to adjournment.

Prayer by Rev. Dr. Mills.

On the call of the roll, the following members answered to their names:

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger,

Bowdon, Boykin, Bradford, Brooks, Campbell, Carson, Cochran, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller Willett, Williams, Wood, Woolf, Winn—88.

Journal of yesterday read and approved.

Leave of absence was granted Mr. Sheid and Mr. Nicholson for to-day on account of sickness.

Leave of absence was also granted Messrs. McIlwain and Billingslea for to-morrow.

#### BILLS ON THEIR SECOND READING.

The bills—

H. B. 153. To amend subdivision 2 of section 651 of the Code of Alabama, in relation to the time for holding the circuit courts in the eleventh judicial circuit;

H. B. 154. To amend section 4310 of the Code;

H. B. 157. To amend section 79 of the Code of Alabama;

H. B. 158. To regulate insurance companies, so as to secure to the assured in certain cases the full amount of insurance against fire, written in the policy of insurance;

H. B. 159. To prevent the sacrifice of real estate of deceased persons by forced sales for cash, upon which there was a valid lien at the time of the death of the decedent;

H. B. 161. To require banks, bankers, insurance companies, and others engaged in the business of lending money, to give receipts for collaterals;

H. B. 162. To amend section 4196 of the Code;

H. B. 164. To amend section 4358 of the Code;

H. B. 163. To amend section 2293 of the Code;

H. B. 165. To amend section 66 of the Code, and to repeal section 5063 of the Code;

H. B. 166. To repeal sections 3286, 3287 and 3288 of the Code;

H. B. 170. To provide for the better protection of the fees

of officers of the court payable out of the fine and forfeiture fund of Choctaw county;

H. B. 174. To repeal an act to establish a board of commissioners of roads in the county of Mobile, and to prescribe the duties thereof, approved December 20, 1871, and an act amendatory thereof, approved March 8, 1876—

Were severally read the second time, and referred to the judiciary committee.

The bill—

H. B. 173. To fix the time for holding the circuit courts in the sixth judicial circuit of Alabama, and to regulate the practice thereof—

Was read the second time.

Mr. Smith of Mobile offered certain amendments, which, with the bill, were referred to the judiciary committee.

The bills—

H. B. 155. To prevent camp-hunting in the county of Escambia;

H. B. 160. To repeal sections 4409, 4410 and 4411 of the Code, so far as they affect the county of Madison;

H. B. 167. To repeal an act to enlarge the jurisdiction of justices of the peace in Sumter county, north of the line dividing townships twenty and twenty-one in said county, approved March 17, 1875—

Were read the second time and referred to the committee on local legislation.

The bills—

H. B. 156. Prescribing the duties of township trustees;

H. B. 171. To amend the first subdivision of section 908 of the Code of Alabama—

Were severally read the second time, and referred to the committee on education.

The bill—

H. B. 168. To repeal an act to incorporate the town of Dadeville, in Tallapoosa county, approved 6th day of March, 1871—

Was read the second time and referred to the committee on corporations.

The bill—

H. B. 169. To make an additional appropriation for the purpose of carrying into effect an act for the relief of maimed soldiers, approved March 6, 1876—

Was read the second time and referred to the committee on appropriations.

The bill—

H. B. 172. To allow the electors of the counties of Coffee and Geneva to vote at any of the precincts of their respective counties, with certain restrictions—

Was read the second time and referred to the committee on privileges and elections.

The Senate bill—

s. 36. For the relief of school teachers for the past scholastic year—

Was read the second time, and referred to the committee on education.

The House concurred in the amendment of the Senate to the House joint resolution providing for the printing of the report of the superintendent of the Insane Asylum, and that part of the Governor's message which refers to said asylum.

#### CALL OF THE COUNTIES.

On the call of the counties the following bills were introduced:

By Mr. Smith of Autauga—

H. B. 175. To amend an act to incorporate the town of Prattville, approved Feb. 17, 1872.

Also,

H. B. 176. To regulate the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors within the corporate limits of the town of Prattville, in the county of Autauga.

By Mr. Massey—

H. B. 177. To repeal an act to authorize the commissioners' courts of Franklin and other counties therein named to lay off their counties into four commissioners' districts, approved Feb. 16, 1875, so far as the same relates to the county of Barbour.

By Mr. Lawrence—

H. B. 178. To limit the discretion of the inspectors of the penitentiary to empower the warden of the penitentiary to hire out convicts.

By Mr. Riley—

H. B. 179. For the relief of Covington county.

Also,

H. B. 180. To amend section 1630 of the Code of 1876.

By Mr. Ralls—

H. B. 181. To require lightning-rod companies, selling lightning-rods in this State, to pay a license therefor.

By Mr. Waller—

H. B. 182. To allow a party interested in fine to testify upon trial of cause.

Also,

H. B. 183. To repeal section 3286 of the Code of Alabama.

Also,

H. B. 184. To prohibit the giving of mortgages upon growing crops.

By Mr. James—

H. B. 185. To protect parties making advances under contract with laborers.

By Mr. Akers of Jefferson—

H. B. 186. To amend section 1167 of the Code.

By Mr. Davis—

H. B. 187. To amend section 290 of the Code of Alabama.

By Mr. Smith of Lowndes—

H. B. 188. To regulate the sale of cotton in the county of Lowndes, and of cotton produced in said county.

By Mr. Betts—

H. B. 189. To define the duties and powers of the courts of county commissioners in relation to the assessment of property for taxation.

Also,

H. B. 190. To regulate the collection of fines and forfeitures in the county of Madison.

Also,

H. B. 191. To regulate the collection, keeping and disbursement of funds raised by special county levies.

Also,

H. B. 192. To provide for trial by jury in criminal prosecutions before justices of the peace in Madison county.

By Mr. Fletcher—

H. B. 193. To amend section 5044 of the Code.

By Mr. Critcher—

H. B. 194. For the relief of F. M. Nixon, of Marshall county.

By Mr. Hearn—

H. B. 195. For the relief of Charles E. Garwood and Mary Garwood, of Randolph county.

By Mr. Dawson—

H. B. 196. To regulate the levy, assessment and collection of special taxes.

By Mr. Dark—

H. B. 197. To incorporate the town of Dadeville, in Tallapoosa county.

By Mr. Owens—



H. B. 198. To refund over-paid taxes to Nancy Brown.

By Mr. Cochran—

H. B. 199. To change the times of holding the circuit courts in the counties of Winston, Marion and Fayette.

By Mr. Purifoy—

H. B. 200. To amend section 919 of the Code of Alabama.

By Mr. Campbell (with evidence of publication of notice, &c.),

H. B. 201. To repeal an act to prohibit the sale or otherwise disposing of spirituous, vinous or malt liquors, in less quantities than forty gallons, within five miles of the courthouse in the town of Scottsboro, Jackson county, Alabama, approved March 17, 1873.

By Mr. Huey—

H. B. 202. To forbid sheriffs appointing coroners as deputy sheriffs.

Also,

H. B. 203. To punish as a misdemeanor any kidnapping, confining, abducting, hiring to leave, or enticing away, witnesses for the purpose of preventing them from testifying in any cause.

By Mr. Muldon (with evidence of publication of notice, &c.)—

H. B. 204. For the relief of the estate of G. J. L. Cavallers, deceased.

Also,

H. B. 205. To amend an act for the preservation of game animals and birds in the counties of Mobile, Choctaw, Monroe, Clarke, Washington, Baldwin, Marengo, Lowndes, Sumter, Escambia, Hale, Dallas, Montgomery and Greene.

By Mr. Akers of Marion—

H. B. 206. To authorize the people of Marion county to vote on the question of removing the county seat of said county, and to permanently locate the same.

By Mr. Woolf—

H. B. 207. To amend section 2823 of the Code of Alabama.

Which bills were severally read once and ordered to a second reading on to-morrow.

Mr. Boger offered the following resolution, which

On motion of Mr. Foster of Macon,

Was laid on the table:

*Resolved*, That this House meet every day except Sunday at 10 A. M., and adjourn at 1 P. M.; then meet at 2:30 P. M., and adjourn at 4:30 P. M.

Mr. Bowdon offered—

Joint resolution providing for printing the report of the principal of the Institute for the Deaf, Dumb and Blind, and that part of the Governor's message relating thereto—

Which was read and referred to the committee on public printing.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Woolf, from judiciary committee, reported favorably, with amendment, to the bill—

H. B. 65. To amend section 2223 of the Code.

Amend by striking out section 2.

The amendment was adopted, and

The bill was ordered to a third reading forthwith, read the third time, and passed. Yeas 36; nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Critcher, Crutcher, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—86.

Mr. Lawrence voted nay.

Also,

From the same committee, reported a substitute for the bill—

H. B. 66. To amend section 4617 of the Code of Alabama.

The substitute was adopted and the bill ordered to a third reading forthwith, read the third time, and passed. Yeas 74; nays 20.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Barnett, Betts, Bowdon, Boykin, Bradford, Brooks, Caldwell, Cochrane, Cooper, Culver, Clark of Mobile, Crutcher, Dark, Davidson, Dawson, Dolive, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Huey, Hutto, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Low-

ther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Owens, Patton, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Madison, Smith of Autauga, Smith of Lawrence, Smith of Mobile, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—74.

Nays—Messrs. Bailey, Boger, Campbell, Curtis, Clark of Conecuh, Clark of Lawrence, Critcher, Davis, English, Evans, Hughes, Jack, James, Pearson, Pitts, Sanders of Lamar, Sharpe, Steele, Stribling, Waller—20.

Also,

From same committee, reported favorably to the bill—

H. B. 76. To amend section 3084 of the Code of Alabama.

The bill was ordered to a third reading forthwith, read the third time and passed. Yeas 91; nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Martin, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—91.

Also,

From same committee, reported favorably, with amendment, to the bill—

H. B. 30. To abolish the criminal jurisdiction of the county court of Lauderdale county.

Amend by adding to section 2, after the word "court," in the last line, the following, to wit:

"Provided, that all cases now pending in said county court where the prosecution was commenced by affidavit, and all cases where arrests have been made, shall be tried and disposed of as prescribed by law previous to the passage of this act."

The amendment was adopted,

And the bill ordered to a third reading forthwith; read the third time, and passed. Yeas 92; nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—92.

Mr. Taylor of Lauderdale, from the committee on local legislation, reported favorably to the bill—

H. B. 12. To repeal an act to secure more effectually competent and well qualified jurors in the counties of Montgomery, Lowndes, Autauga, Dallas, Perry and Bullock, so far as the same relates to the county of Perry.

The bill was ordered to a third reading forthwith, read the third time, and passed. Yeas 89; nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of B., Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, McCane, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Smith of Autauga, Smith of Mobile, Steele, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—89.

Also, from same committee, reported favorably to the bill,

H. B. 22. To repeal an act to consolidate the offices of tax collector and assessor in the county of Walker, approved February 15, 1871.

The bill was ordered to a third reading forthwith, read the third time, and passed. Yeas 90; nays 0.

Yeas: Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearne, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Molett, Muldon, McCarron, McIlwain, Nettles, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Smith of Autauga, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—90.

Also,

From same committee reported a substitute for the bill—  
H. B. 43. To amend section 5 of an act to establish a court of revenue for Wilcox county, approved Feb. 3, 1877.

The substitute was adopted—

And the bill ordered to a third reading forthwith; read the third time, and passed—yeas 88; nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Smith of Autauga, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—88.

Mr. English voted nay.

Also,

From same committee, reported favorably on the bill—

H. B. 46. To repeal an act to increase the criminal jurisdiction of justices of the peace, and notaries public having like

powers, in the counties of Lee, Madison, Jackson, Clarke, Choctaw, Walker and Marion, so far as the same relates to the county of Clarke.

The bill was ordered to a third reading forthwith, read the third time, and passed. Yeas 88; nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearne, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Thompson, Walker, Waller, Willett, Wood, Woolf, Winn—88.

Mr. Muldon, from special committee, submitted the following report, which was concurred in :

*Mr. Speaker :*

The joint committee to whom was referred the duty of investigating and reporting some rule or regulation for the government of the two houses in relation to what are to be considered as general and what as local or special bills, under the constitution and laws of the State of Alabama, beg leave to report, as a result of their investigations :

They find that to make a statute a public law of general obligation, it is not necessary that it should be equally applicable to all parts of the State. All that is required is that it shall apply to all persons within the territorial limits to be affected thereby, and general in its application to the class or locality; and that bills affecting individuals and private corporations be considered as local or special bills, and requiring notice as provided for in the Constitution of the State of Alabama, article iv, section 24. And the committee recommend that the two houses adopt these as the rules governing the introduction of bills into the two houses.

All of which is respectfully submitted, and your commit-

tee ask to be discharged from the further consideration of the matter.

SAMUEL C. MULDON,  
H. A. WOOLF,  
A. L. BROOKS,

Committee on the part of the House of Representatives.

J. W. BUSH,  
GEO. P. HARRISON,

Committee on the part of the Senate.

Mr. Davis submitted the following report, which was concurred in :

The committee on public printing, to whom was referred the resolution instructing the committee to report what number of each of the documents accompanying the Governor's message should be printed, have considered the same, and instruct me to report the following :

Report of superintendent of Insane Asylum—500 copies for the use of the Asylum, 250 for the House.

Report of the superintendent of the Institute for the Deaf, Dumb and Blind—750 copies for the Asylum, 250 for the House.

Report of the president of the Agricultural and Mechanical College—750 for the College, 250 for the House.

Report of the warden of the Penitentiary—200 for the warden, 100 for the House.

Report of the pardons granted—300 copies for the House.

Report of commissioners to examine State offices—200 for the House.

Report of the adjutant General—200 for the use of the House.

L. R. DAVIS, Chairman.

Mr. Purifoy, from the committee on agriculture and commerce, reported adversely to the bill—

H. B. 44. To amend section 4414 of the Code—

Which was concurred in.

Also,

From the same committee, reported favorably to the bill—

H. B. 52. To amend section 1586 of the Code.

Amendments were offered exempting certain counties from the operation of the act, when—

On motion of Mr. Lawson, the bill, with the amendments, was recommitted.

Mr. Purifoy, from the same committee, reported favorably to the bill —

H. B. 51. To amend section 4414 of the Code.

Mr. Lawrence moved to amend by striking out the words "nor in any case from the twenty-fifth day of December to the first of March succeeding."

The bill, with amendment, was recommitted.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, Nov. 22, 1878.

*Mr. Speaker :*

The Senate has originated and passed the following bill :  
s. 39. To prohibit the granting of license and sale of spirituous liquors within five miles of West Bend academy and church, in Clarke county.

W. L. CLAY, Secretary.

The bill just received (s. 39) was read once and ordered to a second reading on to-morrow.

Leave of absence was granted Mr. Fonville from 12 M. to-day until Monday ;

Also, Mr. Brooks for to-morrow.

On motion of Mr. Bowdon, the House adjourned until to-morrow morning 10 o'clock.

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#### ELEVENTH DAY.

HOUSE OF REPRESENTATIVES,  
Saturday, November 23, 1878.

The House met pursuant to adjournment.

Prayer by Rev. Dr. Mills.

Upon the call of the roll the following members answered to their names :

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Boger, Boykin, Bradford, Caldwell, Campbell, Carson, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Dark, Davis, Davidson, Dawson, Dolive, English, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick,



Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—85.

Journal of yesterday read and approved.

Leave of absence was granted Mr. Owens till Tuesday morning next.

Also, leave of absence was granted to Messrs. Smith of Lowndes and Sharpe for to-day.

#### BILLS ON SECOND READING.

The bills—

H. B. 175. To amend an act to incorporate the town of Prattville, approved Feb. 17, 1872.

H. B. 197. To incorporate the town of Dadeville, in Tallapoosa county.

Were severally read the second time and referred to the committee on corporations.

The bills—

H. B. 176. To regulate the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors within the corporate limits of the town of Prattville, in the county of Autauga.

H. B. 177. To repeal an act to authorize the commissioners' courts of Franklin and other counties therein named to lay off their counties into four commissioners' districts, approved Feb. 16, 1875, so far as the same relates to the county of Barbour.

H. B. 184. To prohibit the giving of mortgages upon growing crops.

H. B. 183. To repeal section 3286 of the Code of Alabama.

H. B. 188. To regulate the sale of cotton in the county of Lowndes, and of cotton produced in said county.

H. B. 194. For the relief of F. M. Nixon, of Marshall county.

H. B. 190. To regulate the collection of fines and forfeitures in the county of Madison.

H. B. 201. To repeal an act to prohibit the sale or otherwise disposing of spirituous, vinous or malt liquors, in less quantities than forty gallons, within five miles of the court-

house in the town of Scottsboro, Jackson county, Alabama, approved March 17, 1873.

H. B. 206. To authorize the people of Marion county to vote on the question of removing the county seat of said county, and to permanently locate the same.

Were read the second time and referred to the committee on local legislation.

The bill—

H. B. 178. To limit the discretion of the inspectors of the penitentiary to empower the warden of the penitentiary to hire out convicts.

Was read the second time and referred to the committee on the penitentiary.

The bill—

H. B. 179. For the relief of Covington county.

Was read the second time and referred to the committee on appropriations.

The bill—

H. B. 180. To amend section 1630 of the Code of Alabama.

Was read the second time and referred to the committee on public roads and highways.

The bills—

H. B. 181. To require lightning-rod companies, selling lightning-rods in this State, to pay a license tax.

H. B. 189. To define the duties and powers of the courts of county commissioners in relation to the assessment of property for taxation.

H. B. 191. To regulate the collection, keeping and disbursement of funds raised by special county levies.

H. B. 198. To refund over-paid taxes to Nancy Brown.

H. B. 196. To regulate the levy, assessment and collection of special taxes.

H. B. 204. For the relief of the estate of G. J. S. Cavallers, deceased.

Were severally read the second time and referred to the committee on ways and means.

The bills—

H. B. 182. To allow a party interested in fine to testify upon trial of cause.

H. B. 192. To provide for trial by jury in criminal prosecutions before justices of the peace in Madison county.

H. B. 193. To amend section 5044 of the Code.

H. B. 199. To change the times of holding the circuit courts in the counties of Winston, Marion and Fayette.

H. B. 202. To prohibit sheriffs appointing coroners as deputy sheriffs.

H. B. 207. To amend section 2823 of the Code of Alabama. Were severally read the second time, and referred to the judiciary committee.

The bills—

H. B. 186. To amend section 1167 of the Code.

H. B. 200. To amend section 919 of the Code of Alabama.

Were severally read the second time, and referred to the committee on education.

The bills—

H. B. 187. To amend section 290 of the Code of Alabama.

H. B. 195. For the relief of Charles E. Garwood and Mary J. Garwood, of Randolph county.

Were severally read the second time and referred to the committee on privileges and elections.

H. B. 185. To protect parties making advances under contract with laborers.

Was read the second time and referred to the committee on agriculture and commerce.

The bill—

H. B. 205. To amend an act for the preservation of game animals and birds in the counties of Mobile, Choctaw, Monroe, Clarke, Washington, Baldwin, Marengo, Lowndes, Sumter, Escambia, Hale, Dallas, Montgomery and Greene.

Was read the second time.

Mr. Lyons moved to amend by exempting Escambia county.

The bill, with the amendment, was referred to the committee on agriculture and commerce.

The Senate bill—

s. 39. To prohibit the granting of license and sale of spirituous liquors within five miles of West Bend Academy and church, in Clark county.

Was read the second time and referred to the committee on local legislation.

Mr. Winn presented petition of certain citizens of Clark county to be effected by the passage of the above bill.

Which was referred, with the bill, to the committee.

#### CALL OF THE COUNTIES.

Upon the call of the counties bills were introduced :

By M. Armstrong—

H. B. 208. To prohibit the manufacture, sale, giving away, or other disposition of spirituous liquors in beat one in the county of Chambers.

By Mr. Register—

H. B. 210. To amend section 4109 of the Code of 1876.

By Mr. Rushing—

H. B. 209. To amend section 400 of the Code.

By Mr. Waller—

H. B. 211. To amend section 3886 of the Code.

By Mr. Sanders, of Lamar—

H. B. 212. To regulate the publication of legal notices in the county of Lamar.

By Mr. Clark of Lawrence—

H. B. 213. To protect the capitol grounds.

By Mr. Betts—

H. B. 214. To transfer certain causes from the county to the circuit court of Madison county.

By Mr. Critcher—

H. B. 215. To repeal an act approved 30th January, 1877, to regulate and define the line between the counties of DeKalb and Marshall counties.

By Mr. Muldon—

H. B. 216. To authorize corporations and companies organized under the laws of this State to reduce their capital stock.

By Mr. Clark of Mobile—

H. B. 217. To authorize the county of Mobile to make and issue its bonds to a limited amount.

By Mr. Hutto—

H. B. 218. Joint resolution instructing the Speaker and clerk of the House to certify certain mileage and per diem to J. B. Shields.

By Mr. Taylor of Choctaw—

H. B. 219. To repeal section 4202 of the Code.

Also,

H. B. 220. To amend subdivision 21 of section 494 of the Code of Alabama.

By Mr. Foster of Barbour—

H. B. 221. To amend section 5047 of the Code.

Which bills were severally read once and ordered to a second reading on to-morrow.

Mr. Woolf offered—

Joint resolution raising a joint committee, consisting of three from the House and two from the Senate, for the purpose of visiting the penitentiary, examining the same, and reporting thereon to the present General Assembly.

The resolution was adopted.

Committee on the part of the House—Messrs. Woolf, Lawrence, and Davidson.

## REPORTS FROM STANDING COMMITTEES.

Mr. Willett, from the committee on fees and salaries, reported favorably to the bill—

H. B. 92. To amend section 739 of the Code.

Mr. Patton moved to amend by adding the following:

Provided, the provisions of this act shall not apply to any counties which have special laws providing for the pay of the county commissioners.

The amendment was adopted.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 78; nays 2.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Boykin, Bradford, Caldwell, Campbell, Cochrane, Culver, Curtis, Clark of Lawrence, Clarke of Mobile, Crutcher, Dark, Davis, Dawson, Dolive, English, Evans, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Hughes, Hutto, Jack, James, Jolley, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Rushing, Sanders of Lamar, Sanders of Madison, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Wood, Woolf, Winn—78.

Nays—Messrs. Critcher, Davidson—2.

Mr. Taylor of Lauderdale, from the committee on local legislation, reported favorably, with amendment, to the bill—

H. B. 10. To repeal an act to establish a court of quarter sessions for Perry county, approved February 23, 1876.

Amend by striking out the word "provided," and insert in lieu thereof the words, "Section 2. Be it further enacted."

The amendment was adopted.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 70; nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Bradford, Caldwell, Campbell, Cochrane, Curtis, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Foshee, Foster of Barbour, Foster of Macon, Fuller, Gilbert, Hearn, Hughes, Hutto, Jack, Jolley, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Molett, Muldon, McCane, McCarron, Mellwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ram-

sey, Register, Rushing, Sanders of Lamar, Sanders of Madison, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Waller, Willett, Wood, Woolf, Winn—70.

Mr. Smith of Mobile submitted the following :

*Mr. Speaker :*

The committee on Federal relations, to which was referred the proposed memorial to the Congress of the United States asking a review of the homestead laws of the United States, has considered the same and instructed me to report adversely to its adoption, with the reasons for such a report.

I therefore respectfully report, that in the opinion of the committee, the proposed memorial should not be adopted, because :

1. In its opinion, the provisions of such homestead laws which require the improvement and occupation of the lands by the settler for a specified time, are necessary to secure the lands for the growing population of the country, and to prevent capitalists and land speculators from acquiring and controlling the large amount of lands which constitute the greater part of the public domain. But the provisions of the proposed memorial would directly tend to throw such lands in the hands of speculators, to the great detriment of the country and of those most needing the benefits of a homestead law.

2. The benefit of a homestead is secured by the existing laws to all citizens, male or female, who may be twenty-one years of age, and who will comply with the wise provisions of the law. The law also amply secures the rights initiated by the settlement of the parent or parents to their children. And the apprehensions on these subjects expressed in the proposed memorial do not seem to be well founded.

J. LITTLE SMITH,

Chairman Com. on Federal Relations.

The report was concurred in.

MESSAGE FROM THE SENATE.

SENATE CHAMBER,

November 23d, 1878.

*Mr. Speaker :*

The Senate has adopted the following joint resolution :

*Resolved by the Senate* (the House of Representatives concurring), That a joint committee of eight, consisting of three on the part of the Senate and five on the part of the House, be appointed to report suitable arrangements for the inauguration of Hon. R. W. Cobb, Governor elect.

Committee on part of Senate—Messrs. Rosamond, Brooks, and Chambers.

W. L. CLAY, Secretary.

Mr. Purifoy, from the committee on agriculture and commerce, reported adversely to the bill—

H. B. 53. To amend an act to require emigration agents plying their vocations in Barbour and other counties therein named to pay a license tax.

On motion of Mr. Muldon, the bill was recommitted.

The following message was received from the Governor, by his Private Secretary, Ike H. Vincent.

EXECUTIVE DEPARTMENT,  
MONTGOMERY, ALA., Nov. 23, 1878.

*Gentlemen of the Senate and House of Representatives:*

I respectfully invite your attention to the report of Hon. Thomas H. Price, Commissioner of Swamp and Overflowed Lands, herewith submitted. The subject is one of interest, and I trust it may receive your careful consideration.

Respectfully,

GEO. S. HOUSTON, Governor.

The message was taken up, and—

On motion of Mr. Betts, its further consideration was postponed until Monday next.

Mr. Purifoy, from the committee on agriculture and commerce, reported adversely to the bill—

H. B. 50. To require a person who employs, or in any way engages laborers in the counties of Dallas and Perry, for the purpose of removing said laborers from the State, to pay a license tax.

On motion of Mr. Waller, the bill was recommitted.

Mr. Purifoy, from same committee, reported a substitute for the bill—

H. B. 48. To amend section 1413 of the Code.

The substitute was adopted.

And the bill ordered to a third reading forthwith; read the third time, and passed—yeas 74; nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Curtis, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Hughes, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Mollette, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Rushing, Sanders of Lamar, Sanders of Madison, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Willett, Wood, Woolf, Winn—74.

Nay—Mr. Lyons.

Mr. Purifoy, from same committee, reported adversely to the bill—

H. B. 68. To regulate the sale, delivery and barter of seed cotton.

On motion of Mr. Foster of Barbour, the bill was recommitted to the committee on local legislation.

M. Purifoy, from the same committee, reported back to the House the bill—

H. B. 140. To regulate the traffic in seed cotton.

On motion of Mr. Waller, the bill was recommitted to the committee on local legislation.

Mr. Purifoy, from same committee, reported adversely to the bill—

H. B. 83. To protect persons having an interest in corn, cotton, fruits, or agricultural products, as tenants in common, or part owners thereof.

And asked that it be referred to the judiciary committee. It was so referred.

Mr. Muldon, by leave, offered—

Joint resolution raising a joint committee to visit the Insane Hospital and the University at Tuscaloosa.

Which was read and adopted.

Committee on part of the House—Messrs. Muldon, Griggs and Huey.

By leave, Mr. Davis offered the following joint resolution :

*Resolved by the House (the Senate concurring), That the General Assembly will adjourn on Thursday the 12th day of December, 1878, and convene again on Tuesday the 7th day of January, 1879, at 10 o'clock, A. M.*

On motion of Mr. Clark of Mobile, the resolution was post-



poned, and made the special order for Friday next, 29th inst. at 12 m.

The Senate joint resolution—

Appointing a joint committee to make arrangements for the inauguration of the Governor elect,

Was taken up and concurred in.

Committee on the part of the House—Messrs. Patton, Kirkpatrick, Dark, Lawrence and Steele.

Leave of absence was granted Mr. Culver until Monday.

On motion of Mr. Kirkpatrick, the House adjourned until Monday morning 11 o'clock.

## TWELFTH DAY.

### HOUSE OF REPRESENTATIVES.

Monday, Nov. 25, 1878.

The House met pursuant to adjournment.

Prayer by Rev. Dr. Mills.

On the call of the roll, the following members answered to their names :

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster Barbour, Foster of Macon, Fuller, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—90.

Journal of yesterday read and approved.

Leave of absence was granted the committee on privileges and elections to sit apart from the House during the morning session to-day.

## BILLS ON SECOND READING.

The bills—

H. B. 208. To prohibit the manufacture, sale, giving away, or otherwise disposing of spirituous liquors in beat one, in the county of Chambers.

H. B. 212. To regulate the publication of legal notices in the county of Lamar.

H. B. 217. To authorize the county of Mobile to make and issue its bonds to a limited amount;

Were severally read the second time and referred to the committee on local legislation.

The bills—

H. B. 209. To amend section 400 of the Code;

H. B. 220. To amend subdivision 21 of section 494 of the Code of Alabama;

Were severally read the second time and referred to the committee on ways and means.

The bills—

H. B. 210. To amend section 4109 of the Code of 1876;

H. B. 211. To amend section 3886 of the Code;

H. B. 214. To transfer certain causes from the county to the circuit court of Madison county;

H. B. 216. To authorize corporations and companies organized under the laws of this State to reduce their capital stock;

H. B. 219. To repeal section 4202 of the Code;

H. B. 221. To amend section 5047 of the Code;

Were severally read the second time, and referred to the committee on the judiciary.

The bill—

H. B. 213. To protect the capitol grounds;

Was read the second time and referred to the committee on the State capitol.

The bill—

H. B. 215. To repeal an act approved 30th January, 1877, to regulate and define the line between the counties of DeKalb and Marshall;

Was read the second time, and referred to the committee on counties and county boundaries.

The bill—

H. B. 218. Joint resolution instructing the Speaker and clerk of the House to certify certain mileage and per diem to J. B. Shields;

Was read the second time, and referred to the committee on appropriations.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
November 25, 1878.

*Mr Speaker :*

The Senate has originated and passed the following bills—  
s. 4. To prevent the taking, or using temporarily, any personal property without the consent, or assent, of the owner, or person having the control thereof.

s. 33. To attach the counties of Cherokee and Etowah to the northern chancery division.

s. 43. To amend section 713 of the Code of Alabama.

s. 40. To detach the chancery district composed of the county of Marengo from the Western chancery division and attach the same to the Southern chancery division of the State of Alabama.

s. 19. To repeal an act to provide for the collection and distribution of fines and forfeitures in the counties of Clay and Coosa, so far as the same relates to the county of Coosa.

Also,

Joint resolution, herewith sent, in relation to the inauguration of Hon. Rufus W. Cobb, Governor elect of Alabama.

W. L. CLAY, Secretary.

The senate bills just received ( s. 4, s. 33, s. 43, s. 40, s. 19);

Were severally read once, and ordered to a second reading on to-morrow.

The House concurred in the Senate joint resolution in relation to the inauguration of the Governor elect.

The Governor's message, submitting the report of Hon. T. H. Price, Commissioner of Swamp and Overflowed Lands, was taken up, and—

On motion of Mr. Betts, was further postponed to await the action of the Senate upon a joint resolution on the subject referred to.

## CALL OF THE COUNTIES.

On the call of the counties, bills were introduced :

By Mr. Foster of Barbour—

H. B. 222. To amend section 4450 of the Code.

Also,

H. B. 223. To regulate the collection and disbursement of the hire of convicts to hard labor for the county.

By Mr. Taylor of Choctaw—

H. B. 224. To amend section 651 of the Code of Alabama, relating to the times and places of holding circuit courts in the seventh circuit.

By Mr. Molette—

H. B. 225. To provide a fund to be used for maintaining and increasing the library of the supreme court.

By Mr. Lyons (with evidence of publication of notice, &c.)—

H. B. 226. For the relief of Jephtha Blackshear, Jr., of Escambia county.

Also,

H. B. 227. To fix the fees for victualling prisoners confined in jail in this State.

Also,

H. B. 228. To repeal an act to consolidate the offices of circuit clerk and tax assessor for the county of Escambia.

Also,

H. B. 229. To repeal an act to abolish the office of tax collector in the counties of Baldwin, Escambia, and Sanford, so far as the same relates to Escambia county.

Also,

H. B. 230. To regulate the compensation of members of the court of county commissioners of Escambia county.

Also,

H. B. 231. To repeal an act to authorize the court of county commissioners of Escambia county to levy and collect a special tax for county purposes, approved March 1, 1870.

By Mr. Patton—

H. B. 232. To repeal an act to increase the pay of witnesses in attendance upon the courts of Greene and Marengo counties, except justices' courts, approved February 8, 1872.

By Mr. Hand—

H. B. 233. To increase the jurisdiction of justices of the peace.

By Mr. Akers of Jefferson—

H. B. 234. To provide for the safety of brakemen and other persons working on freight cars.

Also,

H. B. 235. To prevent farmers, doctors, merchants, mechanics and teachers from becoming sureties on official bonds of certain persons.

By Mr. Taylor of Lauderdale—

H. B. 236. To authorize the court of county commissioners of Lauderdale county to issue new bonds for the purpose of paying off the old bonds of said county.

By Mr. Crutcher—

H. B. 237. To increase the jurisdiction of justices of the peace in Limestone county.

By Mr. Brooks—

H. B. 238. To amend section 5042 of the Code.

By Mr. Fletcher—

H. B. 239. To amend section 1259 of the Code.

By Mr. Woolf—

H. B. 240. To enable the several counties in this State to levy and collect county taxes upon the road bed and rolling stock of the railroads in their respective counties for the years 1869-'70-'71-'72-'73-'74 and '75.

By Mr. Pitts (with evidence of publication of notice, &c.)—

H. B. 241. To authorize Amos M. Elliott, administrator of Mrs. Ann Simpson, deceased, late of Shelby county, to sell the real estate belonging to said estate at private sale, without an order of court, and to appropriate the funds arising from the sale.

By Mr. Taylor of Choctaw—

H. B. 243. To provide for the more convenient prosecution of criminal cases in the county courts of the several counties in this State.

By Mr. Huey—

H. B. 243. To authorize and require the court of county commissioners of Perry county to audit and allow claims of justices of the peace and constables.

By Mr. Walker—

H. B. 244. To change the line between the counties of Jefferson and Shelby.

By Mr. Bradford—

H. B. 245. To prevent fox hunting in Marengo county at certain seasons of the year.

By Mr. Sheid—

H. B. 246. For the relief of Adeline Crook of Calhoun county.

By Mr. Reynolds—

H. B. 247. To amend section 1175 of the Code of 1876.

Which bills were severally read once, and ordered to a second reading on to-morrow.

Mr. Hand offered—

Joint resolution raising a joint committee to visit the Institute for the Deaf, Dumb, and the Blind at Talladega.

Which was read and adopted.

## REPORTS FROM STANDING COMMITTEES.

Mr. Woolf, from the judiciary committee, reported back to the House the bill—

H. B. 33. To repeal article ii, chapter 1, title 6, part 1, of the Code.

And asked that it be referred to the committee on privileges and elections.

It was so referred.

Mr. Woolf, from the same committee, reported favorably to the bill—

H. B. 163. To amend section 2293 of the Code of Alabama for 1876.

Mr. Waller moved to amend by striking out "eighteen" and inserting "nineteen."

Lost.

Mr. Clarke of Mobile moved to amend by striking out "eighteen" and inserting "twenty," and to recommit the bill with the amendment.

The motion prevailed.

Mr. Woolf, from the judiciary committee, reported favorably to the bill—

H. B. 162. To amend section 4196 of the Code.

Mr. Huey moved to amend by striking out the words "more than five hundred" and inserting "less than one hundred, nor more than one thousand."

Mr. Lawrence moved to amend the amendment by striking out "one hundred" and inserting "five hundred."

The amendment was adopted.

And the amendment, as amended, was adopted.

Mr. Huey moved to amend by striking out the words, "more than one year" and inserting "less than one year, nor more than five years."

The amendment was adopted ;

And the bill ordered to a third reading on to-morrow.

On motion of Mr. Nicholson, the vote ordering the bill to a third reading on to-morrow was reconsidered.

Mr. Nicholson moved to amend the bill by striking out the words "county jail or sentenced to hard labor for the county" and inserting "penitentiary."

On motion of Mr. Woolf, the bill, with the amendment, was recommitteed.

Mr. Woolf, from the judiciary committee, reported favorably to the bill—

H. B. 82. To amend section 4800 of the Code.

The bill was ordered to a third reading forthwith; read the third time, and passed—yeas 75; nays 6.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Bowdon, Boykin, Bradford, Caldwell, Campbell, Cochrane, Culver, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Gilbert, Griggs, Hand, Hearn, Hughes, Huey, Jack, James, Jolley, Kirkpatrick, Lawrence, Lée, Legg, Lowther, Lyons, Martin, Massey, Molett, McCane, McCarron, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Waller, Willett, Woolf, Winn—76.

Nays—Messrs. Boger, Brooks, Curtis, Clark of Lawrence, English, Steele—6.

Also, from same committee, reported a substitute for the bill—

H. B. 93. To amend section 3496 of the Code of 1876.

Mr. Betts moved to amend by adding—

Provided, that nothing contained in this act shall interfere with, or affect the rights of purchasers without notice.

The amendment was adopted.

Mr. Sheid moved to amend by adding the following:

Provided further, that when a mare or jenny fails to be foaled the owner shall have a right to dispose of them without notice.

The amendment was adopted.

Mr. Walker moved to amend by adding after the word "bond," the words, "with security in double the amount claimed."

The amendment was adopted;

And the substitute, as amended was adopted, and the bill ordered to a third reading on to-morrow.

Mr. Woolf, from the same committee, reported favorably (with the amendments offered by Mr. Smith of Mobile, and referred with the bill) to the bill—

H. B. 173. To fix the time for holding the circuit courts of the six judicial circuits of Alabama, and to regulate the practice thereof.

Amend the fourth paragraph of section 1, which relates to the times of holding courts in Mobile, by way of a substitute.

Amend section 4, by way of substitute.

Amend by additional section to be numbered section 5.

And renumber the sections so as to make section 5 and 6 of the original bill, sections 6 and 7 of the bill as amended.

The amendments were severally adopted.

And the bill ordered to a third reading on to-morrow.

Mr. Woolf, from the same committee, reported favorably to the bill—

H. B. 170. To provide for the better protection of the fees of officers of the court payable out of the fine and forfeiture fund of Choctaw county.

The bill was ordered to a third reading forthwith; read the third time, and passed—yeas 88; nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—88.

Mr. Foster of Barbour, from the committee on education, reported favorably to the Senate bill—

s. 36. For the relief of school teachers for the past scholastic year.

The bill was ordered to a third reading forthwith; read the third time, and passed—yeas 90; nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearne, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls,



Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—90.

Mr. Pearson, from the committee on public roads and highways, reported favorably to the bill—

H. B. 128. To amend section 1657 of the Code.

The bill was ordered to a third reading forthwith; read the third time, and passed—yeas 90; nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, McCane, McCarron, McIlwain, Nettles, Nicholson, Patton Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowdes, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Walker, Willett, Williams, Woolf, Winn—90.

Also, from the same committee, reported favorably to the bill—

H. B. 131. To secure the keeping in repair and closing gates erected across public roads.

The bill was ordered to a third reading forthwith; read the third time, and passed—yeas 89; nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Bowdon, Boykin, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Martin, Massey, Molett, Muldon, McCane, McIlwain, Nettles, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes,

Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Woolf, Winn—89.

On motion of Mr. Winn, the House adjourned until tomorrow morning 10 o'clock.

### THIRTEENTH DAY.

HOUSE OF REPRESENTATIVES,  
Tuesday, November 26, 1878.

The House met pursuant to adjournment.

Prayer by Rev. Dr. Mills.

Upon the call of the roll, the following members answered to their names:

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Carson, Cochrane, Cooper, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Parifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—96.

Journal of yesterday read and approved.

The committee on the penitentiary were permitted to sit apart from the House during the morning session.

### BILLS ON SECOND READING.

The bills—

H. B. 222. To amend section 4450 of the Code

H. B. 223. To regulate the collection and disbursement of the hire of convicts to hard labor for the county.

H. B. 224. To amend section 651 of the Code of Alabama.

relating to the times and places of holding circuit courts of the seventh circuit.

H. B. 225. To provide a fund to be used for maintaining and increasing the library of the supreme court.

H. B. 233. To increase the jurisdiction of justices of the peace.

H. B. 241. To authorize Amos M. Elliott, administrator of Mrs. Ann Simpson, deceased, late of Shelby county, to sell the real estate belonging to said estate, at private sale, without an order of court, and to appropriate the funds arising from the sale.

H. B. 242. To provide for the more convenient prosecution of criminal causes in the county courts of the several counties of this State.

H. B. 246. For the relief of Adeline "Crook," of Calhoun county.

And the Senate bills—

s. 43. To amend section 713 of the Code of Alabama.

s. 33. To attach the counties of Cherokee and Etowah to the northern chancery division.

s. 40. To detach the chancery district composed of the county of Marengo from the western chancery division and attach the same to the southern chancery division.

s. 4. To prevent the taking, or using temporarily, any personal property without the consent or assent of the owner or person having the control thereof.

Were severally read the second time and referred to the judiciary committee.

The bills—

H. B. 226. For the relief of Jephtha Blackshear, Jr., of Escambia county;

H. B. 231. To repeal an act to authorize the court of county commissioners of Escambia county to levy and collect a special tax for county purposes, approved March 1, 1870;

H. B. 235. To prevent farmers, doctors, merchants, mechanics and teachers from becoming sureties on official bonds of certain persons;

H. B. 240. To enable the several counties in this State to levy and collect county taxes upon the roadbed and rolling stock of the railroads in their respective counties for the years 1869, 1870, 1871, 1872, 1873, 1874 and 1875—

Were severally read the second time and referred to the committee on ways and means.

The bills—

H. B. 230. To regulate the compensation of members of the court of county commissioners of Escambia county;

H. B. 227. To fix the fees for victualing prisoners confined in jail in this State;

H. B. 238. To amend section 5042 of the Code—

Were severally read the second time and referred to the committee on fees and salaries.

The bills—

H. B. 228. To repeal an act to consolidate the offices of circuit clerk and tax assessor for the county of Escambia;

H. B. 229. To repeal an act to abolish the office of tax collector in the counties of Baldwin, Escambia and Sanford, so far as the same relates to Escambia county;

H. B. 232. To repeal an act to increase the pay of witnesses in attendance upon the courts of Greene and Marengo counties, except justices' courts, approved February 8, 1872;

H. B. 236. To authorize the court of county commissioners of Lauderdale county to issue new bonds for the purpose of paying off the old bonds of said county;

H. B. 237. To increase the jurisdiction of justices of the peace in Limestone county;

H. B. 243. To authorize and require the court of county commissioners of Perry county to audit and allow claims of justices of the peace and constables;

H. B. 245. To prevent fox hunting in Marengo county at certain seasons of the year;

And the Senate bill—

s. 19. To repeal an act to provide for the collection and distribution of fines and forfeitures in the counties of Clay and Coosa, so far as the same relates to the county of Coosa—

Were severally read the second time and referred to the committee on local legislation.

The bill—

H. B. 234. To provide for the safety of brakemen and other persons working on freight cars—

Was read the second time and referred to the committee on corporations.

The bills—

H. B. 239. To amend section 1259 of the Code;

H. B. 247. To amend section 1175 of the Code of 1876—

Were severally read the second time and referred to the committee on education.

The bill—

H. B. 244. To change the line between the counties of Jefferson and Shelby—

Was read the second time and referred to the committee on counties and county boundaries.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, Nov. 26, 1878.

*Mr. Speaker:*

The Senate has originated and passed the following bills:

s. 31. To amend subdivision one of section 1933 of the Code.

s. 32. To change the boundary line between the counties of DeKalb and Jackson.

s. 48. Joint resolution instructing our senators and requesting our representatives in Congress to urge the enactment of such laws as may be necessary to prevent the exercise of jurisdiction by the courts of the United States in suits against municipal corporations in the several States.

s. 50. To regulate the notices to be given by constables in the sale of property under process from justices' courts.

s. 65. Joint resolution in relation to the Federal tax on the issues of State banks.

And has concurred in the House joint resolutions, as follows:

Joint resolution raising joint committee to visit the penitentiary.

Committee on the part of the Senate—Messrs. Hargrove and Cunningham.

Also,

Joint resolution raising a joint committee to visit the State University and the Alabama Insane Hospital at Tuscaloosa.

Committee on the part of the Senate—Messrs. Rice and Roquemore.

W. L. CLAY,  
Secretary of Senate.

The Senate bills just received (s. 31, s. 32 and s. 50) were read once and ordered to a second reading on to-morrow.

The Senate joint resolutions just received (s. 65 and s. 48) were referred to the committee on Federal relations.

Mr. Pearson, by leave, offered joint resolution raising a joint committee to visit the Agricultural and Mechanical College at Auburn, which was read and adopted.

Committee—Messrs. Pearson, Lawrence and Jolley.

Mr. Taylor of Choctaw, by leave, offered a

Joint resolution raising a joint committee to whom shall be referred the report of commissioner of swamp and overflowed lands, &c.—

Which was read and adopted.

Committee—Messrs. Taylor of Choctaw, Boykin, and Foster of Barbour.

The resolution was ordered to be sent forthwith to the Senate.

Mr. Lawrence, at his own request, was excused from serving on the joint committee to visit the Penitentiary.

#### CALL OF THE COUNTIES.

Upon the call of the counties bills were introduced—

By Mr. Massey—

H. B. 248. To repeal an act to establish the city court of Eufaula, approved Feb. 14, 1870.

By Mr. Sheid—

H. B. 249. To amend section 4733 of the Code.

By Mr. Reynolds—

H. B. 250. To prevent the obstruction of fish running up Choctawhatchee river.

By Mr. Woolf—

H. B. 251. Requiring a license to be obtained by persons engaged in buying and selling goods, wares, and selling spirituous liquors, or malt liquors, on steamboats, trading boats, or other water crafts not employed in the regular business of carrying freight and passengers.

By Mr. Muldon—

H. B. 252. To amend section 3711 (3314) of the Code.

By Mr. Speaker (Mr. Betts in the chair)—with evidence of publication of notice, &c.—

H. B. 253. For the relief of Robert Parker, late coroner of the county of Montgomery.

By Mr. Huey (with evidence of publication of notice, also petition and counter-petition)—

H. B. 254. To prohibit the sale of spirituous or vinous liquors in Oak Grove beat, Perry county.

By Mr. Willett—

H. B. 255. To require the Secretary of State to make annual reports to the Governor.

By Mr. Ash—

H. B. 256. To amend section 851 of the Code of Alabama. Also,

H. B. 257. To repeal article two, chapter one, title six, part one of the Code of Alabama.

Also,

H. B. 258. To amend section 2670 of the Code of Alabama.

By Mr. Heacock—

H. B. 259. To amend an act to reduce the rate of taxation in this State.

By Mr. Purifoy—

H. B. 260. To amend section 4887 of the Code of Alabama.

By Mr. Lyons—

H. B. 261. To require county superintendents of education to make itemized statements of receipts and disbursements.

H. B. 262. To repeal the proviso contained in an act approved Feb. 5th, 1858, entitled an act to establish jury trials in justices' courts, which proviso excepts the counties of DeKalb and Cherokee from the operation of said act.

By Mr. Pitts—

H. B. 263. To regulate the terms of the circuit court of Shelby county, in the tenth judicial circuit of Alabama.

Which bills were severally read once and ordered to a second reading on to-morrow.

Mr. Jack presented the petition of citizens of Franklin county asking for the relief of Wm. J. Ledbetter, a blind man, of Franklin county.

Which was read and referred to the committee on appropriations.

Mr. Smith of Mobile presented—

Memorial of the trustees and faculty of the Medical College of Alabama, asking an appropriation for repairs of the college building;

And in connection therewith moved that a

Joint committee of three from the House and two from the Senate be raised, to whom said memorial shall be referred.

The motion prevailed.

By leave, Mr. Nicholson offered the following resolution, which was adopted:

*Resolved*, That one thousand copies of the report of the warden of the penitentiary be printed for the use of the House.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Waller, from the committee on corporations, reported a substitute for the bill—

H. B. 55. To amend section 3 of the charter of the city of Birmingham.

The substitute was adopted and the bill ordered to a third reading forthwith; read the third time and passed. Yeas 87; nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ashe, Bailey, Barnett, Betts, Billingslea, Boger, Boykin, Bradford, Brooks, Caldwell, Cochrane, Cooper, Culver, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, McCane, McCarron, McDougald, Mellwain, Nettles, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—87.

On motion of Mr. Walker, the bill was ordered to be sent to the Senate forthwith without engrossment.

Mr. Woolf, from the judiciary committee, reported favorably, with amendment, to the bill—

H. B. 114. To provide for the issuance of certificates and opinions in cases decided by the Supreme Court.

Amend as follows:

Strike out all in the first section after the word "provided," and insert in lieu thereof, "that nothing in this act contained shall prevent the clerk of the Supreme Court, in the event of his failure to send said certificates from any cause within the time prescribed by this act, from certifying causes to the lower courts at any time after the expiration of said thirty days."

The amendment was adopted, the bill ordered to a third reading forthwith, read the third time, and passed. Yeas 85; nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Bradford, Brooks, Caldwell, Carson, Cochrane, Cooper, Culver, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron,



McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—85.

Also, from same committee, reported favorably, with amendments, to the bill—

H. B. 115. To provide for the impeachment and removal from office of the officers mentioned in section 2 and section 3 of article vii of the constitution of Alabama.

Amend as follows:

1. Amend section 5 by way of a substitute;

2. Amend section 9 by striking out the words, "at least twenty days before the day specified in said order," where they occur;

3. Amend section 11 by striking out that part of the section commencing with the words, "that when," and ending with the words, "for trial and;" and insert in lieu thereof, "when the information is filed in the circuit, city, or criminal court, if the summons is served twenty days before the day specified in said order, said cause shall stand for trial on that day, and if the summons is served less than twenty days before the day specified in said order, then the court, in term time, or the judge, in vacation, shall on the day specified in said order, make an order setting another day on which the defendant shall answer said information and said cause stand for trial. Said cause;"

4. Amend section 14 by adding, after the word "court," in the second line, "or other person acting as such under the provisions of section 10 of this act."

The amendments were severally adopted.

On motion of Mr. Woolf, the further consideration of the bill was postponed, and 200 copies ordered printed.

Mr. Woolf, from the judiciary committee, reported adversely to the bill—

H. B. 94. To repeal section 4369 of the Code, as far as relates to the county of Lawrence.

Mr. Boger moved that the House do not concur in the report.

Pending the consideration, the hour of 12 o'clock arrived, when the House proceeded to vote *viva voce* for a Senator to represent the State of Alabama in the Congress of the United States, in the place of George E. Spencer, whose term of office expires on the 4th day of March, 1879.

Mr. Stribling nominated Hon. George S. Houston, of Limestone county.

Those who voted for Mr. Houston are—

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—91.

Mr. Boger voted for Hon. R. M. Patton.

Mr. Owens voted for Hon. John W. A. Sanford.

On motion of Mr. Woolf, the clerk was instructed to invite the Senate to meet in the hall of the House on to-morrow at 12 M., for the purpose of comparing the votes cast for U. S. Senator in the respective Houses to-day, and proclaiming the result.

The House resumed the consideration of the motion of Mr. Boger, viz:

Not to concur in the adverse report.

On motion of Mr. Woolf, the motion was laid on the table and the adverse report concurred in.

#### BILLS ON THIRD READING.

The bill—

H. B. 173. To fix the time for holding the circuit courts of the sixth judicial circuit of Alabama, and to regulate the practice therein;

Was read the third time, and passed. Yeas 90; nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour,

Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Woolf, Winn—90.

The bill—

H. B. 93. To amend section 3496 of the Code ;

Was read the third time, and passed. Yeas 86 ; nays 5.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Betts, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Cochrane, Cooper, Culver, Clark of Conecuh, Clarke of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Thompson, Walker, Waller, Willett, Williams, Winn—86.

Nays—Messrs. Campbell, Evans, Steele, Taylor of Choctaw, Woolf—5.

#### REPORTS OF COMMITTEES.

Mr. Taylor of Lauderdale, from the committee on local legislation, reported favorably to the bill—

H. B. 201. To repeal an act to prohibit the sale, or otherwise disposing of, spirituous, vinous, or malt liquors, in less quantities than forty gallons, within five miles of the court house in the town of Scottsboro, Jackson county, Alabama, approved March 17, 1873.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 89 ; nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowden, Boykin, Bradford, Brooks, Cald-

well, Campbell, Carson, Cochrane, Cooper, Culver, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—89.

Nay—Mr. Lee—1.

Mr. Taylor of Lauderdale, from the same committee reported favorably to the bill—

H. B. 60. To prevent the sale or giving away of spirituous or vinous liquors within two miles of the town of Madison, in the county of Madison.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 86; nays 2.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Bradford, Brooks Caldwell, Campbell, Carson, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—86.

Nays—Messrs. Davis and Gilbert—2.

Mr. Taylor of Lauderdale, from the same committee, reported favorably to the bill—

H. B. 129. To repeal an act to abolish the office of tax collector of the counties of Bibb and Colbert, and to require the sheriffs of said counties to collect the taxes.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 93; nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Arm-

strong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochran, Cooper, Culver, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—93.

Mr. Williams, from the committee on privileges and elections, submitted the following majority and minority reports:

#### MAJORITY REPORT.

*To the Honorable the House of Representatives  
of the General Assembly of the State of Alabama:*

In the matter of the contest of John D. Burnett vs. Eli Clark, sitting member from Conecuh county, Alabama—

We, the undersigned, a majority of said committee, consisting of Thomas Williams, Wm A. Walker, W. H. Lawson, J. W. Heacock, J. M. Kennedy, J. D. Cooper and R. J. Reynolds, make the following report, to wit:

In the matter of said contest referred to us, we have heard the pleadings, the evidence offered by contestants, admissions of parties, and argument of counsel on behalf of both contestant and contestee, and find—

*First*, That an election was held in said county of Conecuh on the 5th day of August, A. D. 1878, for the office of Representative in the General Assembly of said State—that John D. Burnett, a qualified elector and resident citizen of said county, was the regular Democratic nominee for said office, and received at said election 517 votes; that one Robinson, a qualified elector and resident citizen of said county, was an independent candidate for said office and received 502 votes; that Eli Clarke, the sitting member, a qualified elector and resident citizen of said county, was also an independent candidate for said office, was generally known for

several weeks before, and at the time of, the election to be a candidate, was balloted for as such candidate, and received at said election 669 votes, being 152 votes more than was received by said Burnett, and being a plurality of all the votes polled.

*Second*, That there is no allegation in the statement of contestant of fraud or intended fraud, and no proof thereof, in the proceedings of the election officers, or in the recording and return of the votes polled, or in the mode and manner of conducting the details of said election.

*Third*. That at Old Town box, precinct No. 9, said Clarke received 147 votes, and said Burnett 12 votes; and that at Bellville box, precinct No. 4, said Clarke received 97 votes, but that said Burnett did not receive any votes.

The contestant Burnett alleged in his petition or statement of contest, that 80 votes were cast for E. C. Clarke at Brooklyn box, precinct No. 7, and were improperly counted for said Eli Clarke—but this allegation was denied by contestee, and no proof whatever was introduced before your committee to sustain such allegation. Not even the ballots of said precinct No. 7, polled at said box, were offered in evidence. The ballots cast for contestee at the said Old Town and Bellville boxes were examined by the undersigned and found to be *alike* and for *Eli Clarke*. And it was, moreover, our understanding that contestant had expressly abandoned before us that ground of contest.

It was insisted by contestant that the votes received by said Clarke at Old Town box ought to have been rejected, 1st, because one of the inspectors at said precinct was absent about two hours at dinner time during said election, and, 2d, because the statement of the number of votes cast, which was duly signed by said inspectors, and their certificates of the poll lists and votes, together with a list of the registered voters in said precinct, were not sealed up in a box of wood, tin or sheet-iron, securely fastened by locks.

Also, that the votes cast for said Clarke at said Bellville box, ought to have been rejected and disregarded:

1st, because said ballots were numbered before they were voted, and could not, as a consequence, be *plain* pieces of paper within the meaning of the statute, more fully hereinafter alluded to.

2d, because the office for which said Clarke was intended to be chosen, was not properly designated on said ballots; and,

3d, because of the character of the box itself, which was

objected to upon the same ground hereinabove urged against Old Town box.

These, briefly, were all and the only objections made to the election of said Clarke—to support which any evidence was introduced before your committee.

It was claimed by contestant, that if the votes received by said Clarke at Old Town and Bellville boxes had been rejected on account of these alleged irregularities, that he would have had a majority over said Clarke of 80 votes, and would be entitled to the seat now occupied by contestee as a member of the House from said county of Conecuh.

The proof shows that political friends of said Burnett were acting as Inspectors of election at both of said precincts, and that said Clarke was not represented by any friend or member of his own party at either of said precincts; and that the election at these precincts was managed honestly, fairly and impartially.

The Supreme Court of Alabama hold, that statutes directing the mode of proceeding by public officers and inspectors of election are *directory*, and are not to be regarded as essential to the validity of elections themselves, *unless it be so declared in the statute*; and that this rule should have a liberal application in respect to the duties of inspectors of elections, when the character of the duties and the men who are necessarily selected to fill these offices, are considered; and that their acts, however irregular—unless they are fraudulent, or are such as are calculated in themselves to change or render doubtful the result—are to be held valid as to all third persons and the public generally.

We have been referred by the contestant to sections No. 273 and 287 of the Code of Alabama of 1876, which are in words as follows, to-wit:

“§ 272. *Description and contents of ballot.*—The ballot must be a plain piece of paper, on which must be written or printed, or partly written and partly printed, the name of the persons for whom the elector intends to vote, and must designate the office for which each person so named is intended by him to be chosen.”

“§ 287. *Statement of votes and one poll list certified, sealed up in box and delivered to returning officer.*—As soon as the ballots are all counted out, the inspectors must ascertain the number of votes received for each person, and for what office, and must make a statement of the same in writing, which statement must be signed by them; they must also certify in writing on one of the poll lists, that such poll list is the poll

list of the election precinct or ward at which they were inspectors, the day and year on which the election was held, and for what offices, which certificates must be signed by them, and such statement of the poll lists, and votes, thus certified, must be sealed up, together with a list of the registered voters in such precinct or ward, at such election, on such day, in a box to be furnished by the sheriff of the county, one or more for each precinct or ward, and to consist of wood, tin or sheet-iron, and securely fastened by locks, directed to the sheriff of the county, if there be one, and if none, then to the person discharging the duties of such office, and immediately deliver the same to the returning officer of that precinct."

The able counsel for contestant claimed before us, that these sections are *mandatory*, and that the alleged irregularities above mentioned, *although they do not tend to affect the result of the election*, ought to operate to defeat the will of the majority or plurality of the people. We cannot so hold.

Upon a fair consideration of these sections of the Statute, we do not think that the Legislature intended that *strict compliance in relation to manner and form shall be essential to the validity of election proceedings*. We hold, therefore, that such provisions are to be regarded as *directory merely*; and that the irregularities alleged to have occurred in this case, as above specified, ought to be disregarded, especially in the absence of any allegation or evidence of fraud or misconduct calculated to prevent a fair, free and full exercise of the elective franchise, and in the absence of any provision of the Statute *expressly declaring that such irregularities shall be fatal to, or avoid, the election*.

The proof shows that a fair expression of the will and choice of the qualified voters of Conecuh county was had and obtained in this case, and we hold that said Clarke has fairly received the highest number of legal votes, and is, therefore, entitled to retain his seat.

In our opinion, it is the manifest purpose and intention of our election laws to secure and carry into effect *the will and choice of the people*—of the qualified electors. A liberal and just rule of interpretation is in harmony with the policy and spirit of said laws, and, as we believe, will promote the public good and the general welfare of the whole people of the State. To adopt technical and stringent rules in the construction of said laws will have the effect, in most cases, to defeat the object and purpose of said laws, and to disregard the will of the majority or plurality, when honestly and fairly



expressed. Honest voters, who have honestly voted in numbers sufficient to elect the man of their choice, ought not to be virtually disfranchised. Neither House of the General Assembly ought to turn out a man elected by the people, or elect a man who was rejected at the polls. There is nothing in our constitution or laws requiring such injustice.

The rule of construction which has led us to the conclusion here announced is sustained not only by our own Supreme Court, but by the best and highest authority in the States of the American Union, and obviously accords with the fundamental maxim that a free and sovereign people ought not to be disfranchised, where there is no constitutional or statutory provisions absolutely demanding such deprivation of their rights, privileges and immunities.

All of which is respectfully submitted by the undersigned.

THOS. WILLIAMS,  
WM. A. WALKER,  
J. M. KENNEDY,  
J. D. COOPER,  
JNO. W. HEACOCK,  
W. H. LAWSON,  
R. J. REYNOLDS.

#### MINORITY REPORT.

*To the House of Representatives*

*of the General Assembly of Alabama:*

The undersigned, a minority of the committee on privileges and elections, to which was referred the case of John D. Burnett vs. Eli Clarke, the sitting member from Conecuh county, begs leave to make the following report:

1. The statement of contestant, John D. Burnett, setting forth the grounds of contest, a copy of which was duly served on the contestee, among other things, alleged that eighty votes counted for Eli Clarke and cast at beat No. 7, Brooklyn beat, in Conecuh county, were not for Eli Clarke, but were cast for E. C. Clarke. The statute plainly requires that the name of the person voted for shall be written or printed on the ballot. The word name has a well defined meaning in the law of Alabama, as interpreted by the decisions of our court of last resort, and that meaning is not satisfied, by simply writing the initials of a name; and there was in fact no proof furnished or offered showing "C" was one of the initials of the contestee. No formal or written denial of the allega-

tions of contestant's statement was put in, and the undersigned did not understand that the contestee even took issue orally on the allegations of said statement, and the undersigned therefore submit that such allegations must be taken as confessed. So taken, the undersigned submit that said eighty votes must be excluded from the count. A compliance with this plain and simple provision of the law was easy, and voters who have it in their power so easily to comply with the provisions of the statute cannot complain if their ballots are rejected when they do not conform to the will of the people as expressed by the law.

2. Ninety-seven votes were counted for the sitting member as having been cast at the Bellville box, precinct No. 4. These ballots were numbered by those who cast them, or some one for them\* on the back with figures from one to ninety-seven, inclusive. The particularity and regularity with which these numbers were written conclusively show that there was some design on the part of those who cast them to distinguish their ballots from those cast by others. The statute requires that ballots shall be upon a plain piece of paper, evidently in order to preserve inviolable the secrecy of the ballot—when electors having it in their power to comply with the law in this respect wilfully violate it both in letter and spirit—we think their votes should not be counted, and therefore we submit that these ninety-seven ballots should not be credited or allowed to the sitting member.

3. At Old Town precinct No. 9, one hundred and forty-seven votes were counted for contestee, and twelve for contestant. The returns from this precinct were not made, nor were the ballots, tally-sheet and poll-lists preserved as required by law. The returns and copies thereof and ballots were not placed or made in boxes made of wood, tin or sheet-iron, and were not fastened by locks—but were made and placed in paper boxes, called match boxes, and the box in which the ballots were kept by one of the inspectors until notified of this contest, and which was produced before the committee, did not appear to have been sealed or fastened in any manner—but the ballots were exposed to view by the crushing in and breaking of the top, and might be easily taken out and replaced without detection. So plain and palpable a violation of the law we think should not be overlooked. The same can be said of Gravella precinct No. 10, where 104 were counted for contestee and 52 for contestant—the returns having been made in a paper box without any lock. Our whole election law and all its provisions in rela-

tion not only to the manner in which the ballot shall be made and cast, and the mode in which the ballots, when cast, shall be preserved, is framed with great care and particularity. Experience had suggested to the legislature that the purity of the ballot and the fairness of elections should be protected by new and additional safe-guards. The law was made plain by accurate and precise words. It seemed to have been the intention of the framers of the law to leave no discretion to managers or electors except in a few well defined particulars. For instance the statute requires the returns to be made in box of wood, tin or sheet-iron. Here there is no discretion allowed in two particulars, viz: it must be a box, and must be locked. As to the kind of box, discretion is given—but at the same time that discretion is limited—it may be either of wood, tin or sheet-iron, but must be one of the three. We think that these two hundred and fifty-one votes, for the contestee, and sixty-four for the contestant, should be excluded from the count. The whole vote for contestant cast in Caneuh county is agreed to be five hundred and seventeen, and the whole vote for contestee, including the votes of the boxes where the tickets were not voted and the returns not made as the law requires, was six hundred and sixty-nine. Exclude the boxes of Bellville and Brooklyn, this gives the contestant a majority of twenty-five, and exclude the boxes of Old Town and Gravelle and this gives the contestant a majority of two hundred and twelve.

The undersigned have not failed to give due weight to the argument pressed for contestee, that all these provisions of the statute are simply directory, but we beg leave to suggest that this argument is pressed too far. If we once admit the position taken for contestee that no provision of an election statute is mandatory, unless the statute further provides, that a failure to comply with its provisions vitiates the election, then there is nothing mandatory in our whole election law. Every line and every syllable may, on this reasoning, be violated with impunity, for there is no provision which points out anything whatever that would nullify an election. The electors and managers may treat the authority of the legislature with contempt, and trample the law under foot at their pleasure simply because the law-maker, no where stops to say, this law must be obeyed. We cannot consent to adopt such a construction. The people are sovereign, but they are not on election days, in each beat and in every party a separate law unto themselves—but they must everywhere obey these important and specific mandates of the law making

power intended to secure uniformity and regularity in elections, secrecy of the ballot, and safety in preservation of the proof that elections have been fairly conducted. If it be not important to the welfare of the State, that the laws should be observed in the respects where it is shown to have been violated—here then we fail to see in what regard the voter or the manager of an election in Alabama may not annul the statute at pleasure. If it be important that the election law should be regarded, then we see no means of enforcing its observance, except in holding the people to a fair compliance with its important provisions. This rule applied in this case, will, we think, result in seating the contestant.

We therefore offer the following resolution as a substitute for that offered by the majority of the committee:

*Resolved*, That John D. Burnett, of Conecuh county, is entitled to a seat in this body as representative elect from Conecuh county, in lieu of Eli Clark, the sitting member.

M. RILEY.

Mr. Lyons moved to substitute the minority for the majority report, by way of amendment.

Mr. Bowdon moved to postpone the further consideration of the subject before the House until next Friday at 12 M., and make it the special order for that hour;

Which, on motion of Mr. Fletcher, was laid on the table.

Mr. Foster of Barbour, moved to postpone until 11 A. M. Friday, and that it be made the special order for that hour, and that 100 copies of the majority and minority reports be printed.

The motion prevailed.

Mr. Purifoy, from the committee on agriculture and commerce, reported favorably to the bill—

H. B. 185. To protect parties making advances under contract with laborers.

On motion of Mr. Clark of Mobile, the bill was recommitted to the judiciary committee.

#### SIGNING BILLS.

The Speaker, in the presence of the House, and immediately after its title had been read, signed the Senate bill—  
s. 36. For relief of school teachers for the past scholastic year.

By leave, Mr. Betts, from the committee on ways and means, reported favorably to the bill—

H. B. 37. To authorize the court of county commissioners for the county of Madison to issue new bonds to pay off bonds of said county which are now outstanding, and will fall due January 1st, 1880, and to levy a special tax to pay the interest on said bonds.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 92; nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Carson, Cochrane, Cooper, Culver, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—92.

Mr. Betts, from same committee, reported favorably, with amendment, to the bill—

H. B. 181. To require lightning rod companies selling lightning rods in this State to pay a license therefor.

Amend by striking out "twenty-five" and inserting "ten."

Mr. Foster of Barbour moved to lay the amendment on the table. Lost.

The amendment was adopted.

The bill ordered to a third reading forthwith, read the third time, and passed—yeas 96; nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Carson, Cochrane, Cooper, Culver, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy,

Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—96.

By leave, Mr. Fletcher offered the following resolution which was adopted :

*Resolved*, That on and after the 27th instant, the chairman of each standing committee shall report from a table or desk in front of the Speaker's stand, in order that the whole House may understand and vote advisedly upon all bills reported; and the door-keeper is hereby authorized and instructed to procure a suitable desk or table for that purpose.

Leave of absence was granted Mr. Hand until Tuesday next.

By unanimous consent, the committee on corporations were allowed to report first upon the next regular call of the standing committees :

The Speaker announced the following committees :

Under the joint resolution in relation to swamp and overflowed lands—

Messrs. Taylor of Choctaw, Boykin and Foster of Barbour.

Under the joint resolution to visit the Deaf, Dumb and Blind Institution—

Messrs. Hand, Foster of Barbour and Sanders of Lamar.

On motion of Mr. Lyons, the House adjourned until tomorrow morning 10 o'clock.

## FOURTEENTH DAY.

HOUSE OF REPRESENTATIVES,  
Wednesday, November 27, 1878.

The House met pursuant to adjournment.

On the call of the roll, the following members answered to their names :

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bradford, Brooks, Caldwell, Campbell, Carson, Cochran, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of

Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Huey, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—94.

Journal of yesterday read and approved.

Mr. Patton, from the joint committee on inauguration, reported that the committee had agreed upon the following programme :

I. The Senate will take a recess at 12:45 p. m., at which hour the governor and the governor elect, together with the incoming and retiring executive officers and the justices of the supreme court, will assemble in the Senate chamber.

II. At 1 o'clock, the procession will be formed, in the Senate chamber, in the following order :

1. The joint committee of arrangement.
2. The justice of the supreme court.
3. The governor and the governor elect.
4. The incoming and retiring executive officers.
5. Senate, preceded by the President and its other officers.

III. In this order, the procession will move into the hall of the House of Representatives, the governor, the governor elect, the officiating justice of the supreme court, the President of the Senate, and the Speaker of the House of Representatives being seated on the Speaker's platform.

IV. The inaugural address of the governor elect.

V. The administration of the oath of office.

The public, and the ladies especially, are invited to be present.

The report was concurred in.

The Speaker announced the following special committees :

On the memorial of the faculty and trustees of the Medical College—

Messrs. Jolly, Legg and Crutcher.

To visit the Agricultural and Mechanical College—

Messrs. Pearson, Lawrence and Massey.

The Speaker announced that he had added Mr. Culver to

the joint committee to visit the penitentiary, in place of Mr. Lawrence.

#### BILLS ON SECOND READING.

The bills—

H. B. 248. To repeal an act to establish the city court of Eufaula, approved February 14, 1870;

H. B. 249. To amend section 4733 of the Code;

H. B. 250. To prevent obstruction of fish from running up Choctawhatchie river;

H. B. 253. For the relief of Robert Parker, late coroner for the county of Montgomery;

H. B. 254. To prohibit the sale of spirituous or vinous liquors in Oak Grove beat, Perry county;

Were severally read the second time and referred to the committee on local legislation.

The bills—

H. B. 251. Requiring a license to be obtained by persons engaged in buying and selling goods, wares, merchandise, and selling spirituous, vinous or malt liquors on steamboats, trading boats, or other water crafts not employed in the regular business of carrying freight and passengers;

H. B. 259. To amend an act to reduce the rate of taxation in this State;

Were severally read the second time and referred to the committee on ways and means.

The bills—

H. B. 252. To amend section 3711 (3314) of the Code;

H. B. 255. To require the secretary of State to make annual reports to the governor;

H. B. 256. To amend section 851 of the Code of Alabama;

H. B. 257. To repeal article two, chapter one, title six, part one of the Code of Alabama;

H. B. 258. To amend section 2670 of the Code of Alabama;

H. B. 260. To amend section 4887 of the Code of Alabama;

H. B. 262. To repeal the proviso contained in act approved February 5, 1858, entitled an act to establish jury trials in justices' courts, which proviso excepts the counties of DeDalb and Cherokee from the operation of said act;

H. B. 263. To regulate the terms of the circuit court of Shelby county, in the 10th judicial circuit of Alabama;

And the Senate bill—

s. 50. To regulate the notices to be given by constables in the sale of property under process from justices courts;



Were severally read the second time and referred to the judiciary committee.

The bill—

H. B. 261. To require county superintendents of education to make itemized statements of receipts and disbursements;

Was read a second time and referred to the committee on education.

The Senate bill—

s. 31. To amend subdivision one of section 1933 of the Code;

Was read the second time and referred to the committee on corporations.

The Senate bill—

s. 32. To change the boundary line between the counties of DeKalb and Jackson;

Was read the second time and referred to the committee on counties and county boundaries.

#### CALL OF THE COUNTIES.

On the call of the counties, bills were introduced as follows:

By Mr. Foster of Barbour—

H. B. 264. To create teachers' institutes and an educational board for each county.

Also,

H. B. 265. To amend section 5022 of the Code of Alabama.

By Mr. Waller—

H. B. 266. To confer upon the probate courts in this State, concurrent jurisdiction with the chancery court in certain cases.

By Mr. James—

H. B. 267. To amend section one of an act for the preservation of game animals and birds, in the counties of Mobile, Choctaw, Monroe, Clarke, Washington, Baldwin, Marengo, Lowndes, Sumter, Escambia, Hale, Dallas, Montgomery and Greene.

By Mr. Walker—

H. B. 268. To authorize the governor to purchase and distribute 600 copies of Berney's Hand Book of Alabama, and to make an appropriation therefor.

By Mr. Betts—

H. B. 269. To amend section 1310 of the Code.

By Mr. Fletcher—

H. B. 270. To amend section 3711 of the Code.

By Mr. Muldon—

H. B. 271. To make the 9th of April, or "fireman's annual celebration day," a legal holiday in the city and county of Mobile.

By Mr. Speaker (Mr. Smith of Mobile in the chair)—

H. B. 272. To amend section 4541 of the Code of Alabama of 1876.

Also,

H. B. 273. To enable married women whose husbands are insane or *non compos mentis* to convey real estate.

By Mr. Owens—

H. B. 274. To amend section 5051 of the Code, so far as it relates to Pike county.

By Mr. McDougald (with evidence of publication of notice, &c.)—

H. B. 275. For the relief of Thomas S. Paschal of Russell county.

By Mr. Cochrane—

H. B. 276. To repeal an act in relation to the fine and forfeiture fund of Tuscaloosa, and other counties therein named, so far the same relates to the county of Tuscaloosa.

Also,

H. B. 277. To amend section 4470 of the Code of 1876.

By Mr. Stribling—

H. B. 278. To repeal an act for the preservation of game animals and birds, in the counties of Mobile, Choctaw, Monroe, Clarke, Washington, Baldwin, Marengo, Lowndes, Sumter, Escambia, Hale, Dallas, Montgomery and Greene, so far as said act applies to the county of Washington.

Also,

H. B. 279. To prohibit camp-hunting in the county of Washington.

By Mr. Walker—

H. B. 280. To allow affidavits as proof of accounts in certain cases.

By Mr. Stribling (with evidence of publication of notice, &c.)—

H. B. 281. To allow Thomas Shinn of the county of Washington to practice medicine without obtaining a license.

Which bills were severally read once and ordered to a second reading on to-morrow.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the governor, by his private secretary, Mr. Ike H. Vincent:

EXECUTIVE DEPARTMENT,  
MONTGOMERY, ALA., Nov. 27, 1878.

*Gentlemen of the Senate and House of Representatives :*

I respectfully submit for your consideration, the value of railroads and railroad property in the State of Alabama, for the years 1877 and 1878, as assessed and valued by the board of assessors. Additional facts and information in relation to these assessments may be found in the report of the auditor to your present session.

GEO. S. HOUSTON, Governor.

The message of the governor was then taken up, and on motion of Mr. Woolf, it was referred to the committee on ways and means, with instructions to inquire into the matter contained therein, and report by bill or otherwise.

It was further ordered that 150 copies of the message and accompanying document be printed.

REPORTS FROM STANDING COMMITTEES.

Mr. Waller, from the committee on corporations, reported favorably with amendments to the bill—

H. B. 14. To amend an act entitled an act to incorporate the town of Greensboro, in the county of Hale, approved March 1, 1870.

Amend as follows :

1ST AMENDMENT.—That section 2 be amended by striking out the words, "Provided that no person shall be allowed to vote, who has failed or refused to pay taxes due from him to said town."

2D.—That section 10 be amended by inserting the words and figures, "\$—" after the word "for" on line nine of this section, and that this section be further amended by inserting the words "for — years" after the word "assessed," on line ten of this section.

3D.—That section 14 be stricken out of this bill.

4TH.—That section 19 be amended by striking out on line eight of this section the word "ten," and inserting in lieu thereof the word "five."

The amendments were severally adopted, and the bill ordered to a third reading on to-morrow.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
November 27, 1878.

*Mr. Speaker :*

The senate has originated and passed the following bills:  
s. 8. To amend section 5 of an act to establish a new charter for the town of Union Springs, Bullock county, Alabama, approved March 1, 1870.

s. 23. To amend section 2575 (2203) of the Code of Alabama.

s. 24. To amend section 4203 of the Code of Alabama.

s. 49. To prevent and punish for betting on elections.

And has adopted the following joint resolutions:

J. R. With relation to appointing a committee to visit the State normal school at Florence.

Committee on the part of the senate, Messrs. Wood and Padgett.

J. R. Raising joint committee to visit the A. & M. college at Auburn.

Committee on the part of the senate, Messrs. Duncan and Rosamond.

J. R. To print documents accompanying governor's message.

J. R. Raising a joint committee to visit the institute for the deaf, dumb, and the blind, at Talladega.

Committee on the part of the senate, Messrs. Wilson and Howell.

J. R. With regard to election of solicitors at this session of the legislature.

And refused to concur in the following House resolution :

H. R. That the present General Assembly will proceed to elect solicitors as soon as the judicial circuits are arranged.

And has concurred in house joint resolution—

Raising a joint committee, to whom shall be referred the report of commissioners of swamp and overflowed lands.

Committee on the part of the Senate, Messrs. Satterfield and Brooks.

W. L. CLAY,  
Secretary of Senate.

The Senate bills just received (viz: s. 8, s. 23, s. 24, s. 49,) were severally read once and ordered to a second reading on to-morrow.

Mr. Waller, from the committee on corporations, reported favorably to the bill—

H. B. 110. To amend section 19 of the act to incorporate the town of Guntersville, in Marshall county.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 87; nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Baily, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Caldwell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Huey, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Legg, Lowther, Lyons, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—87.

Mr. Waller, from the same committee, reported favorably—

H. B. 175. To amend an act to incorporate the town of Prattville approved, the 17th day of February, 1872.

The bill was ordered to a third reading forthwith, read the third time; and passed—yeas 85; nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Huey, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lowther, Lyons, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—85.

Mr. Waller, from same committee, reported back to the House the bill—

H. B. 234. To provide for the safety of brakemen and other persons working on freight cars ;

And asked that it be referred to the committee on public roads and highways.

It was so referred.

Mr. Waller, from same committee, reported favorably to the bill -

H. B. 168. To repeal an act, to incorporate the town of Dadeville, in Tallapoosa county, Alabama, approved 6th day of March, 1871.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 84 ; nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Caldwell, Campbell, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Huey, Jack, James, Jolly, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lowther, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Wood, Woolf, Winn—84.

Mr. Waller, from the same committee, reported favorably, with amendments, to the bill—

H. B. 197. To incorporate the town of Dadeville, in Tallapoosa county.

Amend section 8 by inserting the words "in criminal cases" after the word "invested," on line 10. Also, amend said section by striking out the words "Tallapoosa county" and inserting, "said corporate limits."

2d. Amend section 12 by striking out the words "Tallapoosa county," and inserting, "said corporate limits."

The amendments were severally adopted, and the bill ordered to a third reading on to-morrow.

On motion of Mr. Woolf, the House took a recess for ten minutes, to enable the door keeper to make suitable preparation for the reception of the Senate.

At the expiration of the ten minutes, the House was called to order.

## JOINT CONVENTION.

The hour of 12 o'clock having arrived, the members of the two Houses convened in the Hall of the House in joint convention, for the purpose of ascertaining the result of the election held on yesterday, in the respective Houses of the General Assembly, for United States Senator.

The President of the Senate ordered the roll of the Senate called.

There were present of the Senate—

Messrs. President, Banks, Brooks, Buel, Burford, Bush, Chambers, Clanton, Clarke, Cunningham, Duncan, Gordon, Hargrove, Harrison, Howell, Johnson, Musgrove, Padgett, Randolph, Rather, Rice, Robinson, Roquemore, Rosamond, Satterfield, Thornton, Torrey, Troy, Wilson, Wood—total, 30.

The Speaker ordered the roll of the House called.

There were present, of the House—

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochran, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Huey, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith, of Mobile, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—90.

The Secretary of the Senate and Clerk of the House then read the journals of yesterday, of the Senate and House, respectively, relating to the vote for United States Senator.

The President of the Senate announced that George S. Houston had received all the votes cast for United States Senator, in the Senate on yesterday viz: 32 votes.

And the Speaker of the House announced that George S. Houston had received ninety-one votes for United States Senator, in the House on yesterday, that Mr. R. M. Patton had received one vote, and that Mr. John W. A. Sanford received one vote.

The President of the Senate then declared that the Hon.

George S. Houston having received a majority of the votes cast in each House on yesterday, was legally and constitutionally elected Senator to the Congress of the United States from the State of Alabama, for the term prescribed by law.

On motion of Mr. Chambers, of the Senate, the joint convention adjourned.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Waller, from the committee on corporations, reported favorably to the bill—

H. B. 111. To amend the act to incorporate the town of Guntersville, in the county of Marshall.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 90; nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Carson, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Davidson, Dawson, Dolive, English, Evans, Fournville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Huey, Jack, James, Jolley, Kennedy, Lawson, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—90.

Mr. Smith of Mobile, from the special joint committee to divide the State into three chancery divisions, reported a bill—

H. B. 282. To divide the State into three (3) chancery divisions.

Which bill was read once, and ordered to a second reading on to-morrow.

On motion of Mr. Betts, one hundred and fifty copies of bill were ordered printed.

On motion of Mr. Woolf, the House took a recess until 10 minutes to 1 o'clock, for the purpose of allowing the door-keeper to provide chairs, etc., for the inaugural ceremonies.

At 10 minutes to 1 o'clock the House was called to order.



Mr. Foster of Barbour moved that during the inaugural ceremonies the ladies be invited to take seats on the floor of the House.

Unanimously agreed to.

#### INAUGURATION.

At the hour of 1 P. M., in pursuance of the programme of the committee of arrangements, the two Houses assembled in the hall of the House; whereupon, after prayer by Dr. Ralls of the House, and an address by the Governor elect, Hon. R. W. Cobb, the oath of office was administered to him by Justice A. R. Manning of the supreme court of Alabama.

On motion of Mr. Brooks of the Senate, the joint convention adjourned.

Leave of absence was granted Messrs. Davis and Heacock for two days; to Messrs Crutcher, Smith of Lowndes, Ramsey, and Waller until Monday next; to Mr. Molett from Friday next until Monday following; to Mr. Kirkpatrick for Friday and Saturday.

Mr. Muldon offered the following resolution, which was adopted:

Inasmuch as Mr Jas. G. Cowan did, at the organization of the present House of Representatives, act as its temporary assistant clerk; therefore,

*Be it resolved*, That the Speaker and clerk of the House be and they are hereby authorized and instructed to certify to Jas. G. Cowan, two days per diem, at the rate now allowed by law to the assistant clerk of this House.

On motion of Mr. Stribling, the House adjourned until Friday morning 10 o'clock.

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#### FIFTEENTH DAY.

HOUSE OF REPRESENTATIVES,  
Friday, November 29, 1878.

The House met pursuant to adjournment.

Prayer by Dr. Ralls of the House.

On the call of the roll, the following members answered to their names:

Messrs. Speaker, Akers of Jefferson, Akers of Marion,

Alexander, Armstrong, Ash, Bailey, Barnett, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Carson, Cochran, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Dark, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Hearn, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Lawrence, Lawson, Lee, Legg, Lyons, Martin, Massey, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—84.

Notice was given that Mr. Foster of Macon was absent on account of sickness.

Leave of absence was granted Mr. Lowther for two days; to Mr. Akers of Jefferson, also, for two days; to Mr. Pitts and Mr. Dawson until Monday; to Messrs. Clark of Mobile, Hearn and Barnett until Monday.

Journal of yesterday read and approved.

Mr. Smith of Mobile, at his own request, was excused from serving on the joint committee on the memorial of the faculty and trustees of the medical college at Mobile, and Mr. Jolley was substituted in his place.

#### BILLS ON SECOND READING.

The bills—

H. B. 264. To create teachers' institute and an educational board for each county.

H. B. 269. To amend section 1310 of the Code;

Were severally read the second time, and referred to the committee on education.

The bill—

H. B. 265. To amend section 5022 of the Code of Alabama;

Was read the second time, and referred to the committee on fees and salaries.

The bills—

H. B. 266. To confer upon the probate courts of this State concurrent jurisdiction with the chancery court in certain cases.

H. B. 270. To amend section 3711 of the Code;

H. B. 271. To make the 9th of April, or firemen's annual celebration day, a legal holiday in the city and county of Mobile.

H. B. 272. To amend section 4541 of the Code of Alabama of 1876.

H. B. 273. To enable married women whose husbands are insane, or *non compos mentis*, to convey real estate;

H. B. 274. To amend section 5051 of the Code, so far as it relates to Pike county;

H. B. 277. To amend section 4470 of the Code;

H. B. 282. To divide the State into three chancery divisions.

H. B. 280. To allow affidavits as proof of accounts in certain cases;

And the Senate bills—

s. 24. To amend section 4203 of Code of Alabama;

s. 23. To amend section 2575 of the Code of Alabama;

s. 49. To prevent and punish betting on elections;

Were severally read the second time, and referred to the committee on the judiciary.

The bill—

H. B. 267. To amend section 1 of an act for the preservation of game animals and birds, in the counties of Mobile, Choctaw, Monroe, Clark, Washington, Baldwin, Marengo, Lowndes, Sumter, Escambia, Hale, Dallas, Montgomery and Greene;

Was read the second time.

Mr. Barnett moved to amend so as to make the provisions of the act apply also to Pike county.

The bill and amendment were referred to the committee on local legislation.

The bill—

H. B. 268. To authorize the governor to purchase and distribute 600 copies of Berney's Hand-Book of Alabama, and to make an appropriation therefor;

Was read the second time and referred to the committee on appropriations.

The bills—

H. B. 276. To repeal an act in relation to the fine and forfeiture fund of Tuscaloosa and other counties therein named, so far as the same relates to the county of Tuscaloosa;

H. B. 279. To prohibit camp-hunting in the county of Washington;

H. B. 281. To allow Thomas Shinn, of the county of Washington, to practice medicine without obtaining a license;

Were severally read the second time and referred to the committee on local legislation.

The bill—

H. B. 278. To repeal an act for the preservation of game animals and birds in the counties of Mobile, Monroe, Clarke, Washington, Baldwin, Marengo, Lowndes, Sumter, Escambia, Hale, Dallas, Montgomery and Greene, so far as said act applies to the county of Washington;

Was read the second time.

Mr. Winn moved to amend by adding Clarke county.

The bill and amendment were referred to the committee on local legislation.

The bill—

H. B. 275. For the relief of Thomas S. Paschal, of Russell county;

Was read the second time and referred to the committee on ways and means.

The Senate bill—

s. 8. To amend section 5 of an act to establish a new charter for the town of Union Springs, Bullock county;

Was read the second time and referred to the committee on corporations.

#### MESSAGE FROM THE GOVERNOR,

By his private secretary, Mr. Ike H. Vincent:

EXECUTIVE DEPARTMENT,  
November 29, 1878.

*Gentlemen of the Senate and House of Representatives:*

Since I had the honor of submitting to you my biennial message of the 13th inst, I have exchanged additional bonds, and, in making the exchange, have issued new bonds of class A, thirteen thousand five hundred dollars, and of class C one hundred and eighty-four thousand dollars. Seven of the bonds of class C thus issued were returned to me for the State as a compensation for some missing coupons, and were by me cancelled.

November 28, 1878.

GEO. S. HOUSTON,  
Governor.

The message just received from the governor was taken up, read, and referred to the committee on ways and means.

Senate messages being next business in order, the Senate joint resolutions—

Appointing a committee to visit the Normal School at Florence;

Raising a joint committee to visit the Agricultural and Mechanical College at Auburn;

Were severally adopted.

Committee under the first resolution—

Messrs. Fonville, Reynolds and Sheid.

Under the second—

Messrs. Pearson, Lawrence and Massey.

The Senate joint resolution—

In relation to printing certain documents accompanying governor's message;

Was referred to the committee on public printing.

The Senate joint resolution—

With regard to election of solicitors at this session of the Legislature;

Was referred to the judiciary committee.

#### CALL OF THE COUNTIES.

On the call of the counties, bills were introduced:

By Mr. Foster of Barbour—

H. B. 283. To repeal an act to provide for the payment of the expenses of the educational system of the State, approved March 20, 1875.

By Mr. Armstrong—

H. B. 284. To repeal article 2, chapter 1, title 6 of the Code.

By Mr. Kennedy—

H. B. 285. To authorize the commissioners court of Clay county to lay off said county into four commissioners districts.

By Mr. Steele—

H. B. 286. To amend section 3526 of the Code of Alabama. Also,

H. B. 287. To amend section 907 of the Code of Alabama.

By Mr. Woolf—

H. B. 288. To provide for appeals from convictions by municipal officers.

By Mr. Nettles—

H. B. 289. Regulating the fine and forfeiture fund of Monroe county.

By Mr. Sharpe—

H. B. 290. To amend section 412 of the Code of Alabama. Also,

H. B. 291. To amend section 415 of the Code of Alabama.

By Mr. Lee—

H. B. 292. To make more effectual provision for the fees of officers payable out of the fine and forfeiture fund of Pickens county.

By Mr. Huey—

H. B. 293. To amend section 751 of the Code.

By Mr. Betts—

H. B. 294. To provide for the sale of lands for delinquent taxes.

By Mr. Dark (with petition)—

H. B. 295. To amend section 4 of an act to incorporate the Tallassee Manufacturing Company.

Which bills were severally read once, and ordered to a second reading on to-morrow.

Mr. Bowdon offered the following resolution, which, under the rules, lies over one day:

*Resolved*, That the Speaker appoint another standing committee of the House, to be known and called the committee on temperance, to whom shall be referred all local bills relating to the sale or prohibition of sale of spirituous liquors that have already been introduced, or that may hereafter be introduced.

Mr. Lyons submitted a communication from Dr. J. T. B. Foard, and asked that it be referred to the committee on education.

It was so ordered.

Mr. Bradford offered the following resolution, which was adopted:

*Resolved*, That the Speaker of the House appoint one member of each county to which the game law of Alabama applies, as a special committee, to whom all bills and amendments to said game law be referred, and that all bills and amendments touching said law, heretofore introduced, be returned from the regular committees to which they have been referred, and recommitted to said special committee.

Committee—Messrs. Bradford, Jolley, Taylor of Choctaw, Nettles, Stribling, Dolive, Smith of Lowndes, Ramsey, Lyons, James, Billingslea, Nicholson, Purifoy, Patton, Barnett and Winn.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, Nov. 29, 1878.

*Mr. Speaker:*

The Senate has concurred in the House joint resolutions, as follows:

Joint resolution raising joint committee to visit the Agricultural and Mechanical College, at Auburn.

Committee on the part of the Senate—

Messrs. Duncan and Rosamond.

Also,

Joint resolution raising joint committee to whom shall be referred memorial of trustees and faculty of Medical College at Mobile.

Committee on the part of the Senate—

Messrs. Brooks and Burford.

The Senate has passed the following :

H. B. 55. To amend section three of the charter of the city of Birmingham.

W. L. CLAY, Secretary.

#### SPECIAL ORDER.

The hour of 11 o'clock having arrived, the House proceeded to the consideration of the special order for this hour, viz :

The majority and minority report of the committee on privileges and elections—

In the case of J. D. Burnett against Eli Clark—

The question pending being—

The motion of Mr. Lyons to substitute the minority for the majority report.

On motion of Mr. Lyons, the further consideration of the subject was postponed and made the special order for Tuesday next, at 11 A. M.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Betts, from the committee on ways and means, reported a substitute for the bill—

H. B. 196. To regulate the levying, assessing, collecting, keeping and disbursing the special taxes of the several counties of the State.

Various amendments were offered to the substitute, when—

On motion of Mr. Ralls—

The bill, with the amendments offered, was recommitted.

Mr. Woolf, from the judiciary committee, reported favorably, with amendment, to the bill—

s. 43. To amend section 713 of the Code of Alabama.

Amend by striking out the words, "section 2, be it further enacted," and insert in lieu thereof the word "provided." Strike out iii and insert ii, so as to re-number the sections.

The amendments were adopted and the bill ordered to a third reading forthwith, read the third time and passed—yeas 77; nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Aleander, Armstrong, Ash, Barnett, Betts, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Dark, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Hearn, Hughes, Hutto, Jack, James, Jolley, Kennedy, Lawrence, Lawson, Lee, Legg, Lyons, Martin, Massey, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of L., Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—77.

Mr. Woolf, from the same committee, reported favorably to the Senate bill—

s. 33. To attach the counties of Cherokee and Etowah to the northern chancery division.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 78, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Culver, Curtis, Clark of Mobile, Critcher, Dark, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Fuller, Fletcher, Griggs, Hearn, Heacock, Hughes, Hutto, Jack, James, Jolley, Kennedy, Lawrence, Lawson, Lee, Legg, Lyons, Martin, Massey, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—78.

#### SPECIAL ORDER.

The hour of 12 o'clock having arrived, the House proceeded to the consideration of the special order for this hour, viz :

The joint resolution of Mr. Davis in regard to taking a recess.

Mr. Betts moved that the joint resolution be referred to a



joint committee, consisting of three on the part of the House and two on the part of the Senate.

The motion prevailed.

Committee—Messrs. Betts, Davis and Lee.

#### REPORTS OF COMMITTEES.

Mr. Woolf, from the judiciary committee, reported favorably to the Senate bill—

s. 40. To detach the chancery district composed of the county of Marengo from the western chancery division, and attach the same to the southern chancery division of the State of Alabama.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 77, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bradford, Brooks, Caldwell, Campbell, Carson, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Dark, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Hearn, Hughes, Huey, Jack, James, Jolley, Kennedy, Lawrence, Lawson, Lee, Legg, Lyons, Martin, Massey, Muldon, McCane, McCarron, Melliwin, Nettles, Nicholson, Patton, Pearson, Purifoy, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Wiun—77.

Nays—Mr. Steele—1.

Mr. Woolf, from same committee, reported favorably to the Senate bill—

s. 4. To prevent the taking, or using temporarily, any personal property, without the consent or assent of the owner or person having the control thereof.

Mr. Clark of Mobile moved to amend by inserting the following:

“Contrary to the known wishes of the owner.”

On motion of Mr. Clark of Mobile, the further consideration of the bill was postponed until Monday next.

Mr. Woolf, from the judiciary committee, reported favorably to the bill—

H. B. 153. To amend subdivision 2 of section 651 of the Code of 1876, in relation to the time for holding the circuit courts in the 11th judicial circuit.

The bill was ordered to a third reading forthwith, read third time, and passed—yeas 75, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bradford, Brooks, Caldwell, Campbell, Carson, Cochrane, Cooper, Culver, Curtis, Clark of C, Clark of L, Clark of Mobile, Critcher, Dark, Davidson, Dawson, Dolive, English, Evans, Fonville, Foschee, Fuller, Fletcher, Gilbert, Griggs, Hearn, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Lawrence, Lawson, Lee, Legg, Lyons, Massey, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Register, Reynolds, Riley, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—75.

Mr Woolf, from same committee, reported favorably to the bill—

H. B. 143. To provide lights and fuel, when necessary, for the circuit and chancery courts, and the courts of county commissioners.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 75, nays 2.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Boykin, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Lawrence, Critcher, Dark, Davidson, Dawson, Dolive, English, Evans, Fonville, Foschee, Fuller, Fletcher, Gilbert, Griggs, Hearn, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Lawrence, Lawson, Lee, Legg, Lyons, Martin, Massey, Muldon, McCane, McCarron, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—75.

Nays—Messrs. Clark of Conecuh, and McIlwain—2.

Mr. Woolfe, from same committee, reported favorably to the bill—

H. B. 2 9. To repeal section 4202 of the Code.

The bill was ordered to a third reading forthwith, read the third time and lost—yeas 27, nays 51.

Yeas—Messrs. Billingslea, Boykin, Bradford, Cochrane, Clark of Mobile, Critcher, Fuller, Hughes, Huey, James, Jolley, Lyons, Martin, Muldon, McCane, McCarron, Nicholson, Purifoy, Reynolds, Riley, Rushing, Sheid, Smith of

Mobile, Taylor of Choctaw, Taylor of Lauderdale, Willett—27.

Nays—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Brooks, Caldwell, Campbell, Carson, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Dark, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Fletcher, Gilbert, Griggs, Hearn, Jack, Kennedy, Lawrence, Lawson, Lee, Legg, Massey, McIlwain, Nettles, Patton, Ralls, Register, Sanders of Lamar, Sanders of Madison, Sharpe, Smith of Autauga, Steele, Thompson, Walker, Willett, Williams, Wood, Woolf—51.

Mr. Woolf gave notice that he would, at the proper time, move for a reconsideration of the vote by which the bill was lost.

Mr. Woolf, from the same committee, reported a substitute for the bill—

H. B. 112. To amend section 3921 of the Code relating to appeals from orders appointing receivers.

The substitute was adopted.

The bill ordered to a third reading forthwith, read the third time and passed.

Yeas 73, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Carson, Cochrane, Cooper, Culver, Curtis, Clark of Lawrence, Clark of Mobile, Critcher, Dark, Davidson, Dolive, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Hearn, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Lawrence, Lee, Legg, Lyons, Martin, Massey, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Patton, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—73.

Mr. Woolf, from same committee, reported favorably to the bill—

H. B. 104. To prevent petit larceny in certain cases.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 76, nays 3. Yeas—

Messrs. Speaker, Akers of Jefferson, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boykin, Bradford, Brooks, Caldwell, Campbell, Carson, Cochrane, Cooper, Culver, Curtis,

Clark of Conecuh, Clark of Mobile, Critcher, Dark, Davidson, Dolive, English, Evans, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Hearn, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Lawrence, Lawson, Lee, Legg, Lyons, Martin, Massey, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—76.

Nays—Messrs. Boger, Clark of Lawrence and Steele—3.

Mr. Woolf, from same committee, reported favorably to the bill—

H. B. 157. To amend section 79 of the Code of Alabama.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 78, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Carson, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Dark, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Hearn, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Lawrence, Lawson, Lee, Legg, Lyons, Martin, Massey, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Wood, Woolf, Winn—78.

Mr. Boykin, from committee on appropriations, reported adversely to the bill—

H. B. 179. For the relief of Covington county;

Which was concurred in.

Also, from the same committee, reported adversely to the

H. R. 219. Joint resolution instructing the Speaker and Clerk of the House to certify certain mileage and per diem to J. B. Sheids.

The House refused to concur in the adverse report;

And the bill was ordered to a third reading forthwith.

On motion of Mr. Smith of Mobile, the vote ordering the bill to a third reading was reconsidered;

And on motion Mr. Betts, the joint resolution was laid on the table.

Mr. Betts, from the committee on ways and means,

Reported adversely to the bill--

H. B. 20. To amend part 8, of section 358, of the Code.

The report was concurred in.

Mr. Betts, from the same committee, reported favorably, with amendment, to the bill--

H. B. 220. To amend subdivision 21 of section 494 of the Code of Alabama.

Amend by adding after the word "entertainment," the words, "of like kind."

The amendment was adopted;

And the bill ordered to a third reading forthwith, read the third time, and passed--yeas 73; nays 0.

Yeas--Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochran, Cooper, Culver, Clark of Conecuh, Clark of Mobile, Critcher, Dark, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Hearn, Hughes, Huey, Hutto, James, Jolley, Kennedy, Lawrence, Lawson, Lee, Legg, Lyons, Martin, Massey, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sheid, Smith of Autauga, Steele, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn--73.

Mr. Betts moved that one hundred and fifty copies of the bill--

H. B. 240. To enable the several counties in this State to levy and collect county taxes on the road-bed and rolling stock of the railroad in their counties, for certain years;

Be ordered printed.

Mr. Lyons moved to amend by making it two hundred copies.

Lost.

And the motion of Mr. Betts was agreed to.

The Speaker announced as the committee on the part of the House to visit the normal school at Florence--

Messrs. Fonville, Reynolds and Sheid.

Leave of absence was granted Messrs. Foster of Barbour, Hughes and Register until Monday, Mr. Boykin until Tuesday.

Mr. Bowdon was excused from attendance to-day on account of sickness.

Leave of absence was granted Mr. J. D. Hudson, door-keeper, until Monday.

On motion of Mr. Lyons, the House adjourned until tomorrow morning 10 o'clock.

## SIXTEENTH DAY.

HOUSE OF REPRESENTATIVES,  
Saturday, November 30, 1878.

The House met pursuant to adjournment.

Prayer by Rev. Dr. Ralls of the House.

On the call of the roll, the following members answered to their names:

Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Dark, Davidson, Dolive, English, Evans, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Huey, Hutto, Jack, James, Jolley, Kennedy, Lawrence, Lee, Legg, Martin, Massey, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Purifoy, Ralls, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—83.

Journal of yesterday read and approved.

The leave of absence granted Mr. Boykin for to-day was, at his request, withdrawn.

Leave of absence was granted Messrs. Clark of Lawrence and Smith of Mobile for two days.

Leave was granted the committee on local legislation to sit apart from the House for one hour this morning.

On motion of Mr. Woolf, the order referring the bill—

H. B. 272. To amend section 4541 of the Code of Alabama of 1876;

To the judiciary committee was revoked, and the bill referred to the committee on the penitentiary.

By leave, Mr. Woolf withdrew the motion to reconsider the vote by which H. B. 219 was lost on yesterday.

On motion of Mr. Lawson, the vote by which the bill—

H. B. 104. To prevent petit larceny in certain cases;

Was passed on yesterday, was reconsidered, and the bill was recommitted to the judiciary committee.

## BILLS ON THIRD READING.

The bill—

H. B. 14. To amend an act entitled an act to incorporate the town of Greensboro, in the county of Hale, approved March 1, 1870;

Was read the third time, and passed—yeas 64; nays 0.

Yeas—Messrs. Speaker, Armstrong, Ash, Bailey, Betts, Boger, Bradford, Caldwell, Campbell, Carson, Cochrane, Cooper, Clark of Conecuh, Dark, Davidson, Dawson, Dolive, English, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hutto, Jack, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lyons, Martin, Muldon, McCane, McCarron, McDougald, Nettles, Owens, Patton, Pearson, Purifoy, Ralls, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Steele, Stribling, Taylor of Choctaw, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—64.

The bill—

H. B. 197. To incorporate the town of Dadeville, in Tallapoosa county;

Was read the third time, and passed—yeas 63; nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Ash, Bailey, Betts, Boger, Bradford, Caldwell, Campbell, Carson, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Dark, Davidson, Dolive, English, Evans, Foshee, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hutto, Jack, Kennedy, Lawrence, Lawson, Lee, Legg, Lyons, Massey, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Owens, Patton, Pearson, Purifoy, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Steele, Stribling, Taylor of Choctaw, Thompson, Walker, Willett, Wood, Woolf, Winn—63.

## ENROLLED BILLS SIGNED.

Mr. Fletcher, from the committee on enrolled bills, reported as correctly enrolled the following bill;

And the Speaker, in the presence of the House, immediately after the title had been publicly read, signed said bill—

H. B. 55. To amend section 3 of the charter of the city of Birmingham.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
November 30, 1878.

*Mr Speaker :*

The Senate has originated and passed the following bills :  
s. 62. To fix the per diem, mileage and ferriage of members of county commissioners' courts and boards of revenue in this State.

Also,

s. 85. To amend section 3524 of the Code of Alabama.

And has passed the following House bills—

H. B. 2. To amend section 4204 of the Code of Alabama.

H. B. 10. To repeal an act entitled an act to abolish a court of quarter sessions for Perry county.

H. B. 22. To repeal an act entitled an act to consolidate the offices of tax collector and tax assessor in the county of Walker.

H. B. 25. To repeal an act to consolidate the office of tax assessor and tax collector of Crenshaw county.

H. B. 34. To authorize the commissioners' court of Lawrence to lay off their county into four commissioners' districts.

H. B. 66. To amend section 4617 of the Code.

And has amended, as therein shown, and passed the following House bills—

H. B. 23. To regulate legal advertisements by constables.

H. B. 65. To amend section 2223 of the Code.

W. L. CLAY, Secretary.

The Senate bills just received, viz: s. 62 and s. 85 ;

Were read once, and ordered to a second reading on tomorrow.

BILLS ON THEIR SECOND READING.

The bills—

H. B. 283. To provide for the payment of the expenses of the educational system of the State, approved March 20, 1875;

H. B. 287. To amend section 907 of the Code of Alabama; Were severally read the second time and referred to the committee on education.

Mr. Armstrong was permitted to withdraw the bill—

H. B. 284. To repeal article ii, chapter 1, title 6 of the Code;



The bills—

H. B. 285. To authorize the commissioners' court of Clay county to lay off said county into four commissioners districts;

H. B. 292. To make more effectual provision for the fees of officers payable out of the fine and forfeiture fund of Pickens county;

Were severally read the second time, and referred to the committee on local legislation.

The bills—

H. B. 286. To amend section 3526 of the Code of Alabama;

H. B. 288. To provide for appeals from convictions by municipal officers;

H. B. 296. To repeal section 3487 of the Code;

Were severally read the second time, and referred to the judiciary committee.

The bill—

H. B. 289. Regulating the fine and forfeiture fund of Monroe county;

Was read the second time.

Mr. Stribling moved to amend by including the county of Washington within the provisions of the act.

The bill and amendment were referred to the judiciary committee.

The bills—

H. B. 290. To amend section 412 of the Code of Alabama;

H. B. 291. To amend section 415 of the Code of Alabama;

Were severally read the second time, and referred to the committee on ways and means.

The bill—

H. B. 293. To amend section 751 of the Code;

Was read the second time and referred to the committee on counties and county boundaries.

Mr. Bowdon called up the resolution offered by him on yesterday, providing for the appointment of a standing committee to be called the committee on temperance.

The resolution was adopted.

#### BILLS ON SECOND READING CONTINUED.

The bill—

H. B. 295. To amend section 4 of an act to incorporate Tallassee Manufacturing Company No. 1, approved January 29, 1852;

Was read the second time and referred to the committee on temperance.

The next business in order being Senate messages and business from the Senate—

The House concurred in the amendments of the Senate to the bill—

H. B. 65. To amend section 2223 of the Code.

Yeas 60, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Ash, Bailey, Boger, Bradford, Brooks, Caldwell, Campbell, Carson, Cochrane, Cooper, Culver, Clark of Conecuh, Dark, Davidson, Dolive, English, Evans, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hutto, Jack, James, Jolley, Kennedy, Lawrence, Lee, Legg, Lyons, Martin, Muldon, McCane, McCarron, Nettles, Patton, Pearson, Purifoy, Ralls, Reynolds, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Steele, Stribling, Taylor of Choctaw, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—60.

The House also concurred in the amendment of the Senate to the bill—

H. B. 23. To regulate legal advertisements by constables.

Yeas 68, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Carson, Cochrane, Cooper, Culver, Curtis, Dark, Davidson, Dawson, Dolive, English, Evans, Foshee, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hutto, Jack, James, Jolley, Kennedy, Lawrence, Lawson, Lee, Legg, Lyons, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Purifoy, Ralls, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Antauga, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—68.

#### CALL OF THE COUNTIES.

On the call of the counties, bills were introduced—

By Mr. Davidson—

H. B. 297. To amend section 4198 of the Code of Alabama.

By Mr. Armstrong—

H. B. 298. To authorize the redemption of real estate sold for taxes and purchased by and in the name of the State.

By Mr. Lawrence—

H. B. 299. To amend section 5030 of the Code.

By Mr. Thompson (with evidence of publication of notice, &c.)—

H. B. 300. To repeal an act to authorize J. W. McBrayer, of Coosa county, to sell certain lands.

By Mr. Ralls—

H. B. 301. To change the venue in certain cases.

By Mr. Walker—

H. B. 302. To amend section 3971 of the Code of Alabama.

By Mr. Sanders of Lamar—

H. B. 303. To repeal section 239 of the election law of the State of Alabama.

By Mr. Betts—

H. B. 304. To punish the fraudulent refusal or failure to comply with certain contracts.

Also,

H. B. 305. To amend section 3866 of the Code.

By Mr. Fletcher—

H. B. 306. To regulate the times for holding the chancery court in and for the northern chancery division of Alabama.

By Mr. Bradford (with petition, and evidence of publication of notice, &c.)—

H. B. 307. To prohibit the sale of intoxicating, spirituous, vinous or malt liquors (except by druggists on the prescription of a duly licensed physician) within the limits of McKinley beat, Marengo county, Ala.

By Mr. Woolf—

H. B. 308. To suppress drunkenness in Marengo and Choc-taw counties.

By Mr. Nettles—

H. B. 309. To empower the county commissioners of Monroe county to levy special tax.

By Mr. Speaker (Mr. Woolf in the chair)—

H. B. 310. Making an appropriation for the benefit of the supreme court library.

By Mr. Lee—

H. B. 311. To amend section 662 of the Code of Alabama.

By Mr. Martin—

H. B. 312. To amend section 5047 of the Code.

By Mr. Hutto—

H. B. 313. To authorize and require the auditor to draw his warrant on the treasurer in favor of J. B. Shields for sixty-eight 60-100 dollars.

By Mr. Williams—

H. B. 214. To amend section 2681 of the Code of Alabama.

Also,

H. B. 315. To amend section 2682 of the Code.

Which bills were severally read once and ordered to a second reading on to-morrow.

Mr. Betts moved that 150 copies of the bill --

H. B. 294. To provide for the sale of lands for delinquent taxes—

Be printed. Agreed to.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Taylor, from the committee on local legislation, reported favorably to the bill—

H. B. 130. To amend section 1 of an act to amend section 1 of an act to prevent the sale or otherwise disposing of spirituous, malt or vinous liquors within three miles of McKenzie's church, in Monroe county, and within the beat known as Harrell's Cross Roads, in the county of Dallas, approved March 18, 1875.

Mr. McIlwain moved to postpone the further consideration of the bill until Wednesday next, at 11 A. M., and make it the special order for that hour.

Agreed to.

Mr. Taylor of Lauderdale, from the same committee, reported a substitute for the bill—

H. B. 1. To repeal an act to amend the 9th section of the act to incorporate the town of Tuskegee, in the county of Macon, and for other purposes, and to re-enact the said 9th section of said act of incorporation.

The substitute was adopted, and

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 69; nays 0.

Yeas — Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Carson, Cochrane, Cooper, Curtis, Clark of Conecuh, Dark, Davidson, Dolive, English, Evans, Foshee, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Huey, Hutto, Jack, James, Jolley, Kennedy, Lawrence, Lee, Legg, Lyons, Martin, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Purifoy, Ralls, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Willett, Williams, Wood, Woolf, Winn—69.

Mr. Taylor of Lauderdale, from same committee, reported a substitute for the bill—

H. B. 31. To increase the criminal jurisdiction of justices of the peace in the county of Lauderdale.

The substitute was adopted.

Mr. Caldwell moved to amend so as to make the provisions of the act apply to Bullock county.

Mr. Clark of Conecuh moved to include the county of Conecuh.

Mr. Boger moved to include Lawrence county.

Mr. Purifoy moved to include Wilcox county.

Mr. Lyons moved to re-commit the bill.

Lost.

The amendments were severally adopted, and

The bill ordered to a third reading on to-morrow.

Mr. Taylor of Lauderdale reported favorably, with amendment, to the bill—

H. B. 126. To regulate the payment of claims against the general fund and fine and forfeiture fund in Bibb county.

Amend the title as follows :

A bill to be entitled an act to prohibit the payment of all claims against the general fund or fine and forfeiture fund of Bibb county, that accrued previous to the year 1875, in certain cases.

The amendment was adopted, and

The bill ordered to a third reading forthwith, read the third time, and passed—yeas 62; nays 2.

Yeas—Messrs. Akers of Marion, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Caldwell, Campbell, Carson, Cochrane, Cooper, Curtis, Dark, Davidson, Dolive, Evans, Foshee, Fuller, Fletcher, Gilbert, Griggs, Huey, Hutto, Jack, James, Jolley, Kennedy, Lawrence, Lee, Legg, Lyons, Martin, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Purifoy, Reynolds, Riley, Rushing, Sanders of L., Sanders of Madison, Sheid, Smith of Autauga, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Winn—62.

Nays—Messrs. Ralls and Woolf—2.

Mr. Muldon moved to reconsider the vote just taken; also, the vote ordering the bill to a third reading.

Agreed to.

And the bill was recommitted to the judiciary committee.

Mr. Taylor of Lauderdale, from same committee, reported favorably to the bill—

H. B. 127. To repeal an act regulating the fine and forfeiture fund of the counties of Bibb, Fayette, Marion and

Blount, approved February 8th, 1877, so far as the same relates to the county of Blount.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 60, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Boger, Bradford, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Conecuh, Dark, Davidson, Dolive, Evans, Foshee, Fuller, Fletcher, Griggs, Huey, Hutto, James, Jolley, Kennedy, Lawrence, Lee, Legg, Lyons, Martin, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Purifoy, Ralls, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sheid, Smith of Autauga, Stribling, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—60.

Mr. Ralls, from committee on counties and county boundaries, reported a substitute for the bill—

H. B. 80. To make Samuel H. Striplin a citizen of Clay county, by changing the boundary line between Clay and Cleburne;

The substitute being entitled—

H. B. 80. To make Samuel H. Striplin a citizen of Clay county, being a liner between Cleburne and Clay counties.

The substitute was adopted, the bill ordered to a third reading forthwith, read the third time, and passed—yeas 59, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Boger, Bowdon, Brooks, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Conecuh, Dark, Davidson, Dolive, English, Foshee, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Huey, Kennedy, Lawrence, Lee, Legg, Lyons, Martin, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Purifoy, Ralls, Reynolds, Riley, Rushing, Sanders of Lamar, Sheid, Smith of Autauga, Stribling, Taylor of Choctaw, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—59.

Mr. Boykin moved to reconsider the vote by which the bill—

H. B. 130. To amend section one of an act to amend section one of an act to prevent the sale or otherwise disposing of spirituous, malt or vinous liquors within three miles of McKenzie's church, in Monroe county, and within the beat known as Harrell's Cross Roads, in the county of Dallas, approved March 18, 1876, approved, February 22, 1876;

Was postponed and made the special order for Wednesday next 12 m.

The motion was agreed to,

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 30, nays 28.

Yeas—Messrs. Speaker, Akers of Marion, Bailey, Billingslea, Bradford, Campbell, Cochrane, Clark of Conecuh, Dark, Dolive, Evans, Foster of M., Fletcher, Huey, James, Jolley, McCane, McCarron, Nettles, Nicholson, Pearson, Riley, Sheid, Smith of Autauga, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Williams, Winn—30.

Nays—Messrs. Alexander, Armstrong, Ash, Boger, Caldwell, Cooper, Davidson, English, Foshee, Gilbert, Griggs, Kennedy, Lawrence, Lee, Legg, Martin, Muldon, McIlwain, Owens, Patton, Ralls, Rushing, Sanders of Lamar, Thompson, Walker, Willett, Wood, Woolf—28.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
November 30, 1878.

*Mr. Speaker :*

The Senate has concurred in House resolution raising a joint committee on recess.

Committee on the part of the Senate—

Messrs. Thornton and Hargrove.

W. L. CLAY, Secretary.

Mr. Ralls, from the committee on counties and county boundaries, reported favorably to the bill—

H. B. 244. To change the line between the counties of Jefferson and Shelby.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 58; nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Boger, Bowdon, Bradford, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Conecuh, Dark, Davidson, Dolive, Evans, Foshee, Foster of Macon, Fuller, Fletcher, Griggs, Huey, Hutto, Jolley, Kennedy, Lawrence, Lee, Legg, Martin, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Purifoy, Ralls, Reynolds, Riley, Rushing, Sanders of Lamar, Sheid, Smith of Autauga, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—58.

Mr. Ralls, from same committee, reported back to the House the bill—

H. B. 149. To repeal an act in relation to the fine and forfeiture fund of Tuscaloosa and other counties therein named, approved March 27, 1873, as to Russell county;

And asked its reference to the committee on the judiciary. It was so referred.

Leave of absence was granted to Mr. Massey for to-day; to Messrs. Lyons, McCane and Foster of Macon until Tuesday next.

Mr. Jolley moved to adjourn until Monday next 10 A. M.

Mr. Cochrane named 11 A. M.

The longest time being first put, was not agreed to,

And the motion of Mr Jolley carried,

And the House adjourned until Monday next 10 A. M.

## SEVENTEENTH DAY.

### HOUSE OF REPRESENTATIVES,

Monday, December 2, 1878.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Ralls, of the House.

Leave of absence was granted Mr. Alexander for four days, on account of sickness.

On the call of the roll, the following members answered to their names:

Messrs. Speaker, Akers of Marion, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Carson, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Dark, Davis, Davidson, Dolive, English, Evans, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey Molett, Muldon, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—87.

Leave of absence was granted Messrs. McDougald, Barnett and Hearn for one day.

Journal of Saturday was read and approved.



## SIGNING BILLS.

Mr. Fletcher, from the committee on enrolled bills, reported as correctly enrolled the following bills:

And the speaker, in the presence of the House, immediately after the title had been publicly read, signed said bills.

H. B. 2. To amend section 4204 of the Code of Alabama.

H. B. 22. To repeal an act entitled an act to consolidate the offices of tax collector and tax assessor in the county of Walker, approved February 15th, 1871.

H. B. 10. To repeal an act entitled an act to establish a court of quarter sessions for Perry county;

H. B. 66. To amend section 4617 of the Code.

H. B. 25. To consolidate the offices of tax assessor and tax collector of Crenshaw county.

H. B. 34. To authorize the commissioners court of Lawrence to lay off their county into four commissioners districts.

H. B. 65. To amend section 2223 of the Code.

H. B. 23. To regulate legal advertisements by constables.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER,

Dec. 2, 1878.

*Mr. Speaker:*

The Senate has originated and passed the following bills:

s. 2. To regulate the practice in actions on accounts.

s. 30. To amend section 775 of the Code of Alabama.

s. 61. To amend section 4325 (369), and 4327 (3693) of the Code of Alabama.

And has amended as therein shown, and passed the following House bills:

H. B. 24. To repeal an act to increase the fees of public officers in Mobile county, approved December 7th, 1866.

H. B. 59. To prevent attorneys and solicitors becoming sureties on official bonds of officers of courts.

H. B. 82. To amend section 4800 of the Code.

And has adopted joint resolutions on recess herewith sent.

W. L. CLAY,

Secretary of Senate.

The Senate bills just received, viz: s. 60, s. 30 and s. 2, were

severally read once and ordered to a second reading on to-morrow.

The House concurred in the Senate joint resolution just received :

*Resolved by the Senate, the House of Representatives concurring,* That the General Assembly adjourn on Tuesday, December 10, 1878, at 2 P. M., to meet again on the 15th day of January, 1879, at 12 M.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,  
STATE OF ALABAMA,  
Montgomery, Ala. Nov. 30, 1879.

*Mr. Speaker :*

His Excellency the Governor has approved the following bill, which originated in the House of Representatives :

H. B. 55. An act to amend section three of the charter of the city of Birmingham.

THOS. H. REYNOLDS,  
Recording Secretary.

BILLS ON THIRD READING.

The bill—

H. B. 31. To increase the criminal jurisdiction of justices of the peace in Lauderdale, Bullock, Conecuh, Lawrence and Wilcox counties ;

Was read the third time and passed—yeas 81 ; nays 1.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Ash, Baily, Betts, Billingslea, Boger, Bowden, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Dark, Davis, Davidson, Dolive, Evans, Fonville, Foshee, Fuller, Fletcher, Gilbert, Hearn, Heacock, Hughes, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Martin, Massey, Molett, Muldon, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Willett, Williams, Wood, Woolf, Winn—81.

Mr. Griggs voted in the negative.

BILLS ON SECOND READING.

The bills—

- H. B. 297. To amend section 4198 of the Code of Alabama;
- H. B. 301. To change the venue in certain cases;
- H. B. 302. To amend section 3971 of the Code of Alabama;
- H. B. 304. To punish the fraudulent refusal or failure to comply with certain contracts;
- H. B. 305. To amend section 3866 of the Code;
- H. B. 306. To regulate the time for holding the chancery court in and for the northern chancery division of Alabama;
- H. B. 308. To suppress drunkenness in Marengo and Choctaw counties;
- H. B. 311. To amend section 662 of the Code of Alabama;
- H. B. 314. To amend section 2681 of the Code of Alabama;
- H. B. 315. To amend section 2682 of the Code;

And the Senate bills—

s. 62. To fix the *per diem*, mileage and ferriage of members of county commissioners' courts, and boards of revenue in this State;

s. 85. To amend section 3524 of the Code of Alabama;

Were severally read the second time and referred to the judiciary committee.

The bill—

H. B. 300. To repeal an act to authorize J. W. McBrayer of Coosa county to sell certain real estate;

Was read the second time and referred to the committee on local legislation.

The bills—

H. B. 299. To amend section 5030 of the Code;

H. B. 312. To amend section 5047 of the Code;

Were severally read the second time and referred to the committee on fees and salaries.

The bills—

H. B. 310. Making an appropriation for the benefit of the supreme court library;

H. B. 313. To authorize and require the auditor to draw his warrant on the treasurer in favor of J. B. Shields for sixty-eight and 60-100 dollars;

Were severally read the second time and referred to the committee on appropriations.

The bill—

H. B. 303. To repeal section 239 of the election law of the State of Alabama;

Was read the second time and referred to the committee on privileges and elections.

The bill—

H. B. 298. To authorize the redemption of real estate held for taxes and purchased by or in the name of the State;

Was read the second time and referred to the committee on ways and means.

The bill—

H. B. 307. To prohibit the sale of intoxicating, spirituous, vinous or malt liquors (except by druggists on the prescription of a duly licensed physician,) within the limits of McKinlay beat, Marengo county, Alabama;

Was read the second time and referred to the committee on temperance.

The bill—

H. B. 309. To empower county commissioners of Monroe county to levy special tax;

Was read the second time.

Mr. Nettles moved to amend by including Escambia county within the provisions of the bill.

The bill with the amendment was referred to the committee on local legislation.

Senate messages being the next business in order, the House proceeded to the consideration of the amendments by the Senate to the bill—

H. B. 24. To repeal an act to increase the fees of public officers of Mobile county, approved December 7, 1866.

The amendment was concurred in—Yeas 78, nays 0.

Those voting yea are—

Messrs. Speaker, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Dark, Davis, Davidson, Dolive, Evans, Fonville, Foshee, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Massey, Molett, Muldon, McCarron, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn.

The House next preceeded to consider amendment by the Senate to the bill—

H. B. 59. To prevent attorneys and solicitors becoming sureties on official bonds of officers of courts.

The amendment was concurred in—yeas 50; nays 25.

Those voting yea are—

Messrs. Speaker, Bailey, Betts, Billingslea, Boger, Bowdon, Bradford, Caldwell, Campbell, Carson, Cochrane, Cooper, Clark of Mobile, Dark, Davidson, English, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Huey, Jack, Jolley, Kennedy, Lawrence, Lawson, Lee, Legg, Lowther, Massey, Muldon, McCarron, McIlwain, Nicholson, Pearson, Purifoy, Ralls, Riley, Rushing, Sharpe, Smith of Mobile, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—50.

Those voting nay are—

Messrs. Boykin, Brooks, Caldwell, Culver, Curtis, Clark of Conecuh, Critcher, Davis, Fonville, Hughes, Hutto, Kirkpatrick, Owens, Pitts, Register, Reynolds, Sanders of Lamar, Sanders of Madison, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Stribling, Wood—25.

The House next considered the Senate amendment to the bill—

H. B. 82. To amend section 4800 of the Code.

The amendment was concurred in—Yeas 80, nays 0.

Those voting yea are—

Messrs. Speaker, Akers of Marion, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Critcher, Dark, Davis, Davidson, Dolive, Evans, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Lawrence, Lawson, Lee, Legg, Lowther, Massey, Muldon, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—80.

#### CALL OF THE COUNTIES.

On the call of counties, bills were introduced :

By Mr. Smith of Autauga—

H. B. 316. To authorize Daniel Bodeford of Autauga county to engage in the business of a peddler without a license.

Also,

H. B. 317. To establish a board of revenue for Autauga county, and to define the powers and duties of said board of revenue.

By Mr. Massey—

H. B. 318. To amend section 499 of the Code.

By Mr. Cooper—

H. B. 319. To enable the tax assessor of Bibb county more fully to assess the taxes of said county.

By Mr. Hughes—

H. B. 320. To amend section 4405 of the Code.

By Mr. Sheid—

H. B. 321. To incorporate the town of Davisville, in Calhoun county.

By Mr. Griggs—

H. B. 322. To repeal section 750 of the Code in so far as it applies to the court of county commissioners of Chambers county.

By Mr. Lawrence—

H. B. 323. To amend section 5049 of the Revised Code of 1876.

By Mr. Taylor of Choctaw—

H. B. 324. To regulate the license fees required of sewing machine companies.

Also,

H. B. 325. To amend section 4202 of the Code.

By Mr. Rushing—

H. B. 326. To amend section 399 of the Revised Code.

By Mr. Riley—

H. B. 327. To provide for the election of a county superintendent of education in January, 1879, in the county of Covington.

Also,

H. B. 328. To repeal article two, chapter one, title six, part first of the Code, so far as the same relates to the county of Covington.

By Mr. Boykin—

H. B. 329. For the relief of the University of Alabama.

By Mr. McIlwain—

H. B. 330. To compel railroad superintendents to open, by culverts or otherwise, all natural drains over which their roads are built.

By Mr. Sanders of Lamar—

H. B. 331. For the relief of L. M. Wofford, of Lamar county.

By Mr. Boger—

H. B. 332. To repeal article two, chapter one, title six, of part first of the Code, so far as relates to the county of Lawrence.

By Mr. Smith of Lowndes—

H. B. 333. To abolish the office of county treasurer of Lowndes county, and to provide for the duties of said office.

By Mr. Betts—

H. B. 334. For the relief of certain tax collectors of this State.

By Mr. Woolf—

H. B. 335. To prevent the employment of minors by retail liquor dealers in this State.

By Mr. Muldon—

H. B. 336. To amend section 1617 of the Revised Code.

By Mr. Huey—

H. B. 337. To increase the criminal jurisdiction of justices of the peace, and notaries public having like powers, in the counties of Perry, Dallas, Lowndes and Greene.

By Mr. Ash—

H. B. 338. To amend section 1671 of the Code of Alabama.

By Mr. Cochran—

H. B. 339. To punish the attempt to commit arson.

By Mr. Stribling—

H. B. 340. To regulate the election of county commissioners of roads and revenue for Washington county.

Which bills were severally read once and ordered to a second reading on to-morrow.

Mr. Armstrong offered the following resolution, which was adopted :

*Resolved*, That the doorkeeper be, and is, hereby required to have the screen at the door of the hall of the House of Representatives repaired as early as practicable.

Mr. Fonville offered the following resolution :

*Resolved*, That the judiciary committee be instructed to inquire what legislation, if any, is necessary to prevent unjust discrimination against "local freights" by the railroads operating within the State of Alabama, and report by bill or otherwise.

Mr. Stribling moved to amend the resolution by inserting after the words "local freights"—"and to prevent the destruction of cattle and stock."

On motion of Mr. Woolf, the resolution and amendment were referred to the committee on corporations.

Mr. Smith of Mobile moved that a committee of three, for the revision of the House journals, be added to the standing committees of the House, and that it shall be the duty of such committee to revise the journals, and see that all constitutional provisions for the perfection of bills, resolutions, &c., are complied with.

Which motion, under the rules, lies over till to-morrow.

Mr. Purifoy offered the following resolution, which was adopted :

*Resolved*, That the joint committee appointed to visit the Insane Asylum at Tuscaloosa be instructed to ascertain the number of applicants who have been refused admission into said hospital during the fiscal year ending 30th September, 1878, and the reason of such refusal, and report the same to this House at as early a date as possible.

Mr. Jack presented a claim of S. A. Jones, jailer of Franklin county.

Which was referred to the committee on accounts and claims.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Taylor of Lauderdale, from the committee on local legislation, in accordance with the resolution adopted, reported back to the House the House bills—

245, 155, 58, 250, 278, 267, 205—

And they were referred to the special committee on the game laws.

Also,

In accordance with the resolution of Mr. Bowdon, reported back the house bills—

61, 47, 203, 254, 73, 176 ;

And the Senate bill—

39—

And they were referred to the committee on temperance.

Mr. Betts, from the committee on ways and means, returned the bill—

H. B. 261—

And asked that it be referred to the committee on education.

It was so referred.

Mr. Smith of Mobile, from the committee on federal relations, reported favorably to the



s. 1. Senate joint memorial of the General Assembly to the Congress of the United States in relation to a national quarantine law—

Which was adopted.

Under the resolution of Mr. Bowdon, adopted yesterday, the Speaker announced the committee on temperance to be—

Messrs. Bowdon, Smith of Autauga, Massey, Rushing, Culver, Ramsey, Alexander, Gilbert, Jack, Wood, Sanders of Lamar.

Mr. Lawrence, from the committee on State capitol, reported favorably to the bill—

H. B. 213. To protect the capitol grounds.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 82, nays 0.

Those voting ye—

Messrs. Speaker, Akers of Marion, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Carson, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Dark, Davis, Davidson, Dolive, English, Evans, Fonville, Foshee, Fuller, Gilbert, Griggs, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Massey, Molett, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—82.

Mr. Purifoy, from the committee on agriculture and commerce, reported favorably, with amendment, to the bill—

H. B. 51. To amend section 4414 of the Code.

Amend as follows:

In section 1 strike out the following:

“Nor in any case from the 25th day of December to the 1st of March succeeding”

Mr. Boykin moved to lay the amendment on the table.

Agreed to.

Mr. Betts moved to amend as follows:

Strike out all after the word “where,” on twenty-ninth line of first section, down to and including the word “fence,” on the first line of next page, and insert, “the stock committing the trespass passes over or through that part of the common fence, with the maintenance of which the party complaining, or the party

whose crop is damaged, is charged; provided the same be not a lawful fence."

On motion of Mr. Betts, the further consideration of the bill was postponed till to-morrow at 12 o'clock, and made the special order for that hour.

Mr. Purifoy, from the same committee, reported a substitute for the bill—

H. B. 50. To require persons who employ, or in any way engage laborers in the counties of Dallas, Perry, Butler, Autauga and Wilcox, for the purpose of removing said laborers from the State, to pay a license tax.

The substitute was adopted.

Mr. Stribling moved to amend by including Washington county within the provisions of the act.

Mr. Massey, Barbour county.

Mr. Bradford, Marengo county.

Mr. Owens, Pike county.

Mr. Nicholson, Montgomery county.

Mr. Riley, Covington county.

Mr. Nettles, Monroe county.

Mr. Smith of Lowndes, Lowndes county.

Mr. Patton, Greene county.

Mr. Williams, Elmore county.

Also, Macon county.

Mr. Heacock, Talladega county.

Mr. Dark, Tallapoosa county.

Mr. Cooper, Bibb county.

The amendments were severally adopted.

Mr. Waller moved to amend by striking out "one hundred dollars," and inserting in lieu thereof, "two hundred and fifty dollars."

Which was adopted.

And the bill was ordered to a third reading on to-morrow.

Mr. Boger, by leave, offered the following resolution—

Which, on motion of Mr. Lawson, was laid on the table.

*Resolved*, That the committee on privileges and elections be requested to report at their earliest convenience on bill No. —, providing for the repeal of the registration law of Alabama.

Mr. Willett, from the committee on fees and salaries, reported favorably to the bill—

H. B. 230. To regulate the compensation of members of the court of county commissioners of Escambia county.

The bill was ordered to a third reading forthwith, read third time, and passed—yeas 82, nays 0.

Those voting yea are—

Messrs. Speaker, Akers of Marion, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Carson, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Dark, Davis, Davidson, Dolive, English, Evans, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Massey, Molett, Muldon, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—82.

Mr. Woolf, from the committee on judiciary, reported favorably to the bill—

H. B. 141. To regulate the manner in which notice is authorized to be given to drawers and endorsers of bills of exchange, endorsers of promissory notes, or other instruments of writing in cities containing ten thousand inhabitants, or more, and in any city or town where the United States free postal delivery is in operation.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 71, nays 0.

Those voting yea are—

Messrs. Speaker, Akers of Marion, Armstrong, Ash, Bailey, Betts, Boger, Bowdon, Bradford, Campbell, Carson, Cochran, Cooper, Culver, Clark of Conecuh, Clark of Lawrence, Dark, Davis, Davidson, Dolive, English, Evans, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Massey, Muldon, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Stribling, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—71.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
December 2, 1878.

*Mr. Speaker:*

The Senate has originated and passed the following bill—

s. 87. In relation to the bonded debt of Montgomery county.

W. L. CLAY, Secretary.

The Senate bill just received, s. 87 ;

Was read once, and ordered to a second reading on tomorrow.

Mr. Woolf, from judiciary committee, reported favorably to the bill—

H. B. 174. To repeal an act to establish a board of commissioners of roads in the county of Mobile, and to prescribe the duties thereof, approved December 20, 1871, and an act amendatory thereof, approved March 8, 1876.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 74; nays 0.

Those voting yea are—

Messrs. Speaker, Akers of Marion, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Bowdon, Bradford, Brooks, Caldwell, Campbell, Carson, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Dark, Davis, Dolive, Fonville, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Lowther, Massey, Molett, Muldon, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Wood, Woolf, Winn—74.

Mr. Woolf, from same committee, reported favorably to the bill—

H. B. 202. To forbid sheriffs appointing coroners as deputy sheriffs.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 64; nays 0.

Those voting yea are

Messrs. Speaker, Armstrong, Ash, Bailey, Bowdon, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Culver, Curtis, Clark of Mobile, Dark, Davis, Dolive, Fonville, Foshee, Fuller, Fletcher, Griggs, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Lowther, Massey, Molett, McCarron, McIlwain, Nettles, Owens, Patton, Pearson, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith

of Mobile, Steele, Stribling, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—64.

Mr. Woolf, from same committee, reported favorably to the Senate bill—

s. 23. To amend section 2575 (2203) of Code of Alabama.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 73; nays 0.

Those voting yea are—

Messrs. Speaker, Akers of Marion, Armstrong, Ash, Bailey, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Dark, Davis, Dolive, Foshee, Fletcher, Griggs, Hearn, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Massey, Molett, Muldon, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Antauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—73.

Mr. Woolf, from same committee, reported favorably to the Senate bill—

s. 49. To prevent and punish betting on elections.

The bill ordered to a third reading forthwith, read the third time, and passed—yeas 67; nays 0.

Those voting yea are—

Messrs. Speaker, Ash, Bailey, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Dark, Davis, Evans, Fonville, Foshee, Fuller, Fletcher, Griggs, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Massey, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Wood, Woolf, Winn—67.

On motion of Mr. Cochrane, the House adjourned till tomorrow morning 10 o'clock.

## EIGHTEENTH DAY.

HOUSE OF REPRESENTATIVES,  
Tuesday, December 3, 1878.

The House met pursuant to adjournment.

Prayer by Rev. Dr. Stringfellow.

On the call of the roll, the following members answered to their names :

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, English, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Huey, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Molett, Muldon, McCane, McCarron, McDougald, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Wood, Woolf, Winn—84.

Journal of yesterday read and approved.

Mr. Culver moved to reconsider the vote by which the bill—

H. B. 50. To require a person who employs or in any way engages laborers in the counties of Dallas, &c., for the purpose of removing said laborers from the State, to pay a license tax;

Was ordered to a third reading.

Agreed to.

Mr. Culver moved to amend by adding the county of Bullock.

Mr. Lowther moved to amend by adding Lee county.

Mr. Pearson moved to amend by adding Tuscaloosa county.

The amendments were severally adopted.

Mr. Woolf moved to amend by striking out "two hundred and fifty" and inserting "one hundred."

Mr. Waller moved to lay the amendment on the table.

Lost.

Mr. Waller moved to amend the amendment by inserting "two hundred" in lieu of "one hundred."

Lost.

The amendment was adopted.

The title of the bill was amended to correspond with the amendments adopted, and the bill ordered to a third reading.

On motion of Mr. Bradford, the vote by which H. B. 230 was passed, was reconsidered.

Mr. Lyons asked and obtained leave to withdraw the bill.

#### ENROLLED BILLS SIGNED.

Mr. Fletcher, from the committee on enrolled bills, reported as correctly enrolled the following bills, and the Speaker, in the presence of the House, immediately after the title had been publicly read, signed said bills:

H. B. 82. To amend section 4800 of the Code;

H. B. 24. To repeal an act entitled an act to increase the fees of public officers of Mobile county, approved December 7, 1866;

H. B. 59. To prevent attorneys and solicitors becoming sureties on official bonds of officers of courts.

By leave, Mr. Taylor of Lauderdale, from the committee on local legislation, reported a substitute for the bill—

H. B. 142. To regulate the sale of cotton in the county of Montgomery, and of cotton produced in said county.

The substitute being entitled—

An act to prevent, in certain cases, the sale, exchange and transportation of cotton in the county of Montgomery, and of cotton produced in said county.

The substitute was adopted.

Mr. Culver moved to amend by adding Bullock county.

Mr. Boykin moved to amend by adding Dallas county.

Mr. Martin moved to amend by adding Russell county.

Mr. Smith of Lowndes moved to amend by adding Lowndes county.

Mr. Purifoy moved to amend by adding Wilcox county.

Mr. Nettles moved to amend by adding Monroe county.

The amendments were severally adopted.

Pending the consideration of the bill, the hour of 11 A. M. arrived, the time fixed for the consideration of the reports in the contested election case of Burnett v. Clark.

On motion of Mr. Nicholson, the special order was postponed for the purpose of proceeding with the consideration of H. B. 142.

Pending its further consideration, the time fixed, viz: 12 M, for the consideration of—

H. B. 51. To amend section 4414 of the Code arrived, the question pending being the amendment of Mr. Betts.

The amendment was adopted.

Pending the consideration of the bill, the following message was received :

SENATE CHAMBER,  
December 3, 1878.

*Mr. Speaker :*

The Senate has passed the following House bills :

H. B. 12. To repeal an act entitled an act to secure more effectually competent and well qualified jurors in the counties of Montgomery, Lowndes, Autauga, Dallas, Perry and Bullock, so far as the same relates to the county of Perry.

H. B. 30. To abolish the criminal jurisdiction of the county court of Lauderdale county.

The Senate has originated and passed the following bill, which was ordered to be sent to the House without being engrossed :

s. 132. To incorporate the town of Anniston, in Calhoun county.

And has originated and passed the following bills :

s. 88. To prevent stock from running at large in that part of Dallas county, lying west of the Cahaba river, and north of the New Orleans and Selma Railroad, and north of the public road leading from Martin's station through Athens, or Liberty Hill to McKinley ;

s. 58. Relating to jury trial ;

s. 52. To amend section 699 of the Code of Alabama ;

s. 118. To amend section 1373 of the Code ;

s. 13. To provide the mode of procedure in cases in which the claim of reconment of damages is interposed ;

s. 80. To repeal an act to prohibit fishing in the Coosa river or its tributaries with nets or seines, approved March 9, 1871.

W. L. CLAY,  
Secretary of Senate.

The Senate bills just received, s. 132, s. 88, s. 58, s. 52, s. 118, s. 13, s. 80, were severally read once and ordered to a second reading on to-morrow.

The House resumed the consideration of H. B. 51.



Mr. Lawrence moved to amend by adding :

"Provided, That where parties farming under a common fence desire to sow, or to have wheat sown, and shall give notice of that purpose, that it shall not be lawful for stock to be turned in upon said lands, after the seeding of the wheat."

Which, on motion of Mr. Boykin, was laid on the table.

Mr. Lawrence moved to lay the bill on the table.

Lost.

The bill was ordered to a third reading forthwith, and read the third time.

Mr. Taylor of Lauderdale, moved that the further consideration of the bill be indefinitely postponed.

Lost.

Mr. Boger moved to postpone the consideration of the bill until to-morrow at 12 M., and make it the special order for that hour.

Lost.

And the bill passed—yeas 53; nays 33.

Yeas—Messrs. Speaker, Barnett, Betts, Billingslea, Boykin, Bradford, Caldwell, Campbell, Carson, Cochrane, Cooper, Culver, Clark of Mobile, Foster of Barbour, Foster of Macon, Fuller, Hughes, Huey, Jolley, Kennedy, Kirkpatrick, Lawson, Lee, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Taylor of Choctaw, Waller, Willett, Williams, Wood, Woolf, Winn—53.

Nays—Messrs. Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Boger, Curtis, Clark of Conecuh, Critcher, Crutcher, Dark, Davis, Davidson, Evans, Fonville, Foshee, Fletcher, Gilbert, Griggs, Hearn, Heacock, Jack, Lawrence, Legg, Pitts, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Steele, Taylor of Lauderdale, Thompson, Walker—33.

On motion of Mr. Nicholson, H. B. 142 was made the special order for to-morrow, 11 A. M.

On motion, the reports in the matter of contest of J. D. Burnett

Was made the special order for to-morrow at 12 M.

#### BILLS ON SECOND READING.

The bills—

H. B. 316. To authorize Daniel Bodeford, of Autauga county, to engage in the business of a peddler without license;

H. B. 318. To amend section 499 of the Code;

H. B. 332. To repeal article two, chapter one, title six, of part first of the Code, as far as the same relates to the county of Lawrence;

H. B. 333. To abolish the office of county treasurer of Lowndes county, and to provide for the duties of said office;

H. B. 340. To regulate the election of county commissioners of roads and revenue for Washington county.

And the Senate bill—

s. 87. In relation to the bonded debt of Montgomery county;

Were severally read the second time and referred to the committee on local legislation.

The bills—

H. B. 317. To establish a board of revenue for Autauga county, and to define the powers and duties of said board of revenue;

H. B. 320. To amend section 4405 of the Code;

H. B. 322. To repeal section 750 of the Code in so far as it applies to the court of commissioners of Chambers county;

H. B. 325. To amend section 4202 of the Code;

H. B. 336. To amend section 1617 of the Code;

H. B. 337. To increase the criminal jurisdiction of justices of the peace, and notaries public, having like powers in the counties of Perry, Dallas, Lowndes and Greene;

H. B. 339. To punish the attempt to commit arson;

And the Senate bills—

s. 61. To amend section 4325 (3691,) and 4326 (3693) of the Code of Alabama;

s. 30. To amend section 775 of the Code of Alabama;

s. 2. To regulate the practice in actions on accounts;

Were severally read the second time and referred to the judiciary committee.

The bills—

H. B. 324. To regulate the license fees required of sewing machine companies;

H. B. 334. For the relief of certain tax collectors of this State;

H. B. 319. To enable the tax assessor of Bibb county more fully to assess the taxes of said county;

Were severally read the second time and referred to the committee on ways and means.

The bill—

H. B. 326. To amend section 399 of the Revised Code;

Was read the second time.

Mr. Rushing moved to amend the title by striking out

"Revised"; also, add after the word "Code", "of Alabama, of 1876."

The amendment was adopted and the bill referred to the committee on ways and means.

The bill—

H. B. 323. To amend section 5049 of the Revised Code of 1876;

Was read the second time and referred to the committee on fees and salaries.

The bill—

H. B. 331. For relief of L. M. Wofford, of Lamar county, Alabama;

Was read the second time and referred to the committee on accounts and claims.

The bills—

H. B. 327. To provide for the election of a county superintendent of education in January, 1879, in the county of Covington;

H. B. 329. For the relief of the University of Alabama;

Were severally read the second time and referred to the committee on education.

The bill—

H. B. 330. To compel railroad superintendents to open by culverts or otherwise all natural drains over which their roads, are built;

Was read the second time and referred to the committee on agriculture and commerce.

The bill—

H. B. 338. To amend section 1671 of the Code of Alabama;

Was read the second time and referred to the committee on public roads and highways.

The bill—

H. B. 335. To prevent the employment of minors by retail liquor dealers in this State;

Was read the second time and referred to the committee on temperance.

The bill—

H. B. 321. To incorporate the town of Davisville in Calhoun county;

Was read the second time and referred to the committee on corporations.

Mr Riley was permitted to withdraw H. B. 328.

## MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,  
MONTGOMERY, ALA., Dec. 3, 1878.

*Mr. Speaker:*

His Excellency the Governor has approved the following bills which originated in the House of Representatives :

- H. B. 2. To amend section 4204 of the Code of Alabama.
- H. B. 10. To repeal an act entitled an act to establish a court of quarter sessions for Perry county.
- H. B. 22. To repeal an act entitled an act to consolidate the office of tax collector and tax assessor in the county of Walker, approved February 15, 1871.
- H. B. 23. To regulate legal advertisements by constables.
- H. B. 25. To repeal an act to consolidate the office of tax assessor and tax collector of Crenshaw county.
- H. B. 34. To authorize the commissioners court of Lawrence to lay off their county into four commissioners districts.
- H. B. 65. To amend section 2223 of the Code.
- H. B. 66. To amend section 4617 of the Code.

THOS. H. REYNOLDS,  
Recording Secretary.

## CALL OF THE COUNTIES.

On the call of the counties, bills were introduced ;

By Mr. Foster of Barbour—

H. B. 341. To amend section 1817 of the Code of Alabama.

By Mr. Davis—

H. B. 342. To amend section 4205 of the Code of Alabama.

By Mr. Pitts, (with evidence of publication of notice, &c., and petition)—

H. B. 343. To repeal an act to prohibit the sale of spirituous liquors within five miles of Harmony church, in Shelby county.

By Mr. Taylor of Choctaw—

H. B. 344. To prescribe and define the terms upon which licenses to sell liquors may be granted.

By Mr. Davidson—

H. B. 345. To establish a new charter for the town of Cullman.

By Mr. Register, (with petition and evidence of publication of notice, &c.,)—

H. B. 346. To allow Hardy Cain, of Dale county, and Joseph J. Boyt, of Geneva county, to peddle without license.  
By Mr. Walker—

H. B. 347. To authorize county superintendents of education to disburse certain poll tax.

By Mr. Williams—

H. B. 348. To prevent the sale, giving away, or otherwise disposing of spirituous, vinous, or malt liquors within that portion of the city of Wetumpka which is on the west side of the Coosa river.

Also,

H. B. 349. For the relief of S. W. House of Elmore county.  
By Mr. Willett (with petition and counter petition)—

H. B. 350. To prohibit the sale or giving away, etc., of spirituous liquors within three miles of Emory Chapel in Pickens county, Alabama.

By Mr. Davidson—

H. B. 351. To establish a chancery court for the county of Cullman, and to fix the time of holding the same.

By Mr. Foshee—

H. B. 352. To regulate the issuance of marriage license to persons under age, who have no parents or guardians.

By Mr. Taylor of Choctaw—

H. B. 353. To amend section 2678 of the Code.

By Mr. Kennedy (with petition, etc.)—

H. B. 354. To change the county line between the counties of Clay and Tallapoosa.

By Mr. Steele—

H. B. 355. To fix the time of holding the circuit court of Colbert county.

Also,

H. B. 356. To amend subdivision 8 of section 358 of the Code.

By Mr. Patton—

H. B. 357. To amend section 4199 of the Code of 1876.

By Mr. Waller—

H. B. 358. To amend section 4443 of the Code of Alabama.

By Mr. Betts—

H. B. 360. To fix the term and reduce the pay of assessors and collectors of taxes after 1880.

Also,

H. B. 361. To define the responsibilities of parties purchasing farm produce.

By Mr. Woolf (with petition, etc.)—

H. B. 362. To change the county line between the counties of Hale and Marengo.

By Mr. Critcher—

H. B. 363. To enlarge the jurisdiction of magistrates in Marshall county.

Also,

H. B. 364. To extend the jurisdiction of magistrates and notaries public in Marshal county.

By Mr. Clarke of Mobile—

H. B. 365. To declare the rule of evidence in cases of detinue and trover for the detention or conversion of seed cotton, and lint cotton not packed in bales.

Which bills were severally read once, and ordered to a second reading on to-morrow.

By Mr. Davis—

H. B. 359. To adopt the majority vote, and to prevent secret ballot in legislative caucuses.

Which was read once, and on motion of Mr. Woolf laid on the table.

Leave of absence was granted to Mr. Dolive for to-day, on account of sickness.

On motion of Mr. Smith of Mobile, the resolution offered by him on yesterday in regard to the appointment of a committee on the revision of the journal, was taken up and adopted.

Mr. Lawson, at his own request, was excused from serving on the committee to examine the books, etc., of the auditor and treasurer.

On motion of Mr. Huey, the House adjourned until to-morrow morning 10 o'clock.

## NINETEENTH DAY.

HOUSE OF REPRESENTATIVES,

Monday, December 4, 1878.

The House met pursuant to adjournment.

Prayer by Rev. Dr. Stringfellow.

On the call of the roll, the following members answered to their names:

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Caldwell, Campbell, Cochrane,

Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—92.

Journal of Saturday was read and approved.

Leave of absence was granted to Mr. Hand on account of sickness in the family.

Leave of absence was also granted to Mr. Clark of Lawrence until after recess.

#### ENROLLED BILLS SIGNED.

Mr. Fletcher, from the committee on enrolled bills, reported as correctly enrolled the following bills :

And the Speaker, in the presence of the House, immediately after the title had been publicly read, signed said bills:

H. B. 12. An act to repeal an act entitled an act to secure more effectually competent and well qualified jurors in the counties of Montgomery, Lowndes, Autauga, Dallas, Perry, and Bullock, so far as the same relates to the county of Perry.

H. B. 30. An act to abolish the criminal jurisdiction of the county court of Lauderdale county.

#### BILLS ON SECOND READING.

The bills—

H. B. 341. To amend section 1817 of the Code of Alabama.

H. B. 345. To establish a new charter for the town of Cullman ;

And the Senate bill—

s. 132. To incorporate the town of Anniston, in Calhoun county ;

Were severally read the second time and referred to the committee on corporations.

The bills—

H. B. 342. To amend section 4205 of the Code of Alabama.  
 H. B. 343. To repeal an act to prohibit the sale of spirituous liquors within five miles of Harmony church in Shelby county.

H. B. 350. To prohibit the sale or giving away, etc., of spirituous liquors within three miles of Emory chapel in Pickens county, Alabama.

H. B. 348. To prevent the sale, giving away, or otherwise disposing of spirituous, vinous, or malt liquors within that portion of the city of Wetumpka which is on the west side of the Coosa river;

Were severally read the second time and referred to the committee on temperance.

The bills—

H. B. 344. To prescribe and define the terms upon which licenses to sell liquors may be granted;

H. B. 351. To establish a chancery court for the county of Cullman, and to fix the time of holding the same;

H. B. 352. To regulate the issuance of marriage license to persons under age, who have no parents or guardians.

H. B. 353. To amend section 2678 of the Code.

H. B. 355. To fix the time of holding the circuit court of Colbert county;

H. B. 357. To amend section 4199 of the Code of 1876.

H. B. 358. To amend section 4443 of the Code of Alabama.

H. B. 361. To define the responsibilities of parties purchasing farm produce;

H. B. 364. To extend the jurisdiction of magistrates and notaries public in Marshal county;

H. B. 365. To declare the rule of evidence in cases of detinue and trover for the detention or conversion of seed cotton, and lint cotton not packed in bales;

And the Senate bills—

s. 118. To amend section 1373 of the Code;

s. 13. To provide the mode of procedure in cases in which the claim of recoupment of damages is interposed.

s. 58; Relating to jury trials;

s. 52. To amend section 699 of the Code of Alabama—

Were severally read the second time, and referred to the judiciary committee.

The bill—

H. B. 346. To allow Hardy Cain, of Dale county, and Joseph J. Boyt, of Geneva county, to peddle without license;

And the Senate bill—

s. 88. To prevent stock from running at large in that part



of Dallas county lying west of the Cahaba river and north of the New Orleans & Selma railroad, and north of the public road leading from Martin's Station through Athens, or Liberty Hill, to McKinley—

Were severally read the second time, and referred to the committee on local legislation.

The bill—

H. B. 347. To authorize county superintendents of education to disburse certain poll tax—

Was read the second time and referred to the committee on education.

The bills—

H. B. 349. For the relief of S. W. House, of Elmore county ;

H. B. 356. To amend subdivision 8 of section 358 of the Code ;

H. B. 360. To fix the term and reduce the pay of assessors and collectors of taxes after 1880—

Were severally read the second time and referred to the committee on ways and means.

The bills—

H. B. 354. To change the county line between the counties of Clay and Tallapoosa ;

H. B. 362. To change the county line between the counties of Hale and Marengo—

Were severally read the second time and referred to the committee on counties and county boundaries.

The Senate bill—

s. 80. To repeal and act to prohibit fishing in the Coosa river, or its tributaries, with nets or seines, approved March 9, 1871—

Was read the second time and referred to the committee on agriculture and commerce.

Mr. Critcher asked and obtained leave to withdraw the bill—

H. B. 363. To enlarge the jurisdiction of magistrates in Marshall county.

#### BILLS ON THIRD READING.

On motion of Mr. Ralls, the vote ordering—

H. B. 50

To a third reading, was reconsidered.

Mr. Pitts moved to amend by adding the county of Shelby. Adopted.

Mr. Dark moved to amend by striking out the county of Tallapoosa.

Adopted.

The title was amended to read as follows :

An act to require a person who employs or in any way engages laborers, in the counties of Dallas, Perry, Butler, Autauga, Wilcox, Washington, Barbour, Marengo, Pike, Montgomery, Covington, Monroe, Lowndes, Greene, Elmore, Macon, Talladega, Shelby, Bibb, Bullock, Lee and Tuscaloosa, for the purpose of removing said laborers from the State, to pay a license tax.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 73, nays 14.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochran, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Dark, Davidson, Dawson, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Griggs, Hand, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawson, Lee, Legg, Lowther, Martin, Massey, Molett, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Smith of Autauga, Smith of Lowndes, Stribling, Taylor of Choctaw, Walker, Waller, Willett, Wood, Woolf, Winn—73.

Nays—Messrs. Ash, Critcher, Davis, English, Evans, Fletcher, Gilbert, Hearn, Lawrence, Ralls, Sanders of Madison, Sheid, Steele, Thompson—14.

On motion of Mr. Betts, the vote by which—

H. B. 51. To amend section 4414 of the Code—

Passed ;

Also,

The vote ordering the bill to a third reading—

Were reconsidered.

Mr. Taylor of Lauderdale moved—

To exempt Lauderdale county from the operations of the act, and that—

Section 4414 of the Code, as it now stands, shall remain in full force and effect as to said county.

Mr. Lawrence moved to include Cherokee county within the exemption provided for Lauderdale county.

Mr. Davis, Limestone county.

“ Sheid, Calhoun county.

“ Akers of Jefferson, Jefferson county.

Mr. Ash, St. Clair county.

" Akers of Marion, Marion county

" Curtis, Winston county.

" Sanders, Lamar county.

" Hutto, Walker county.

" Legg, Fayette county.

" Boger, Lawrence county.

" Jack, Franklin county.

" Pitts, Shelby county,

" Hearn, Randolph county.

" Ralls, Etowah county.

" Sharpe, Morgan county.

So that the amendment would read as follows :

*Provided*, That the provisions of this act shall not apply to the counties of Lauderdale, Cherokee, Limestone, Calhoun, Jefferson, St. Clair, Marion, Colbert, Winston, Lamar, Walker, Fayette, Franklin, Shelby, Etowah, Randolph and Morgan ; and that section 4414 of the Code, as it now stands in said Code, shall remain in full force and effect as to said counties.

Pending the consideration of the amendment—

The hour of 11 o'clock arrived, when the House proceeded to the consideration of the special order for this hour, viz : the bill—

H. B. 142. To prevent, in certain cases, the sale, exchange and transportation of cotton in the county of Montgomery, and of cotton produced in said county.

The title was amended to correspond with the amendments adopted, and—

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 58, nays 33.

Yeas—Messrs. Speaker, Akers of Jefferson, Bailey, Barnett, Billingslea, Bowdon, Boykin, Bradford, Brooks, Caldwell, Cochrane, Cooper, Culver, Clark of Mobile, Dark, Dawson, Dolive, Fonville, Foster of Barbour, Fuller, Griggs, Heacock, Hughes, Huey, Jolley, Kennedy, Kirkpatrick, Lawson, Lee, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Pearson, Purifoy, Ralls, Ramsey, Riley, Sanders of Madison, Smith of Autauga, Smith of Lowndes, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Walker, Waller, Willett, Williams, Winn—58.

Nays—Messrs. Akers of Marion, Armstrong, Ash, Betts, Boger, Campbell, Carson, Curtis, Critcher, Crutcher, Davis, Davidson, English Evans, Foshee, Foster of Macon, Fletcher, Gilbert, Hearn, Hutto, Jack, Lawrence, Legg, Patton, Pitts,

Reynolds, Sanders of Lamar, Sharpe, Sheid, Steele, Thompson, Wood, Woolf—33.

On motion of Mr. Nicholson—

The bill was ordered to be sent forthwith to the Senate without engrossment.

ENROLLED BILLS SIGNED.

*Mr. Speaker :*

The President having signed the following Senate bills your signature to the same is requested, viz :

- s. 49. An act to prevent and punish betting on elections.
- s. 40. An act to detach the chancery district composed of the county of Marengo from the western chancery division, and attach the same to the southern chancery division of the State of Alabama.
- s. 1. Memorial of the General Assembly to the Congress of the United States in relation to a national quarantine law.
- s. 33. An act to attach the counties of Cherokee and Etowah to the northern chancery division.
- s. 23. An act to amend section 2575 (2203) of the Code of Alabama.

W. L. CLAY, Secretary.

And the Speaker, in the presence of the House, immediately after the title had been publicly read, signed said bills.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,  
MONTGOMERY, ALA., Dec. 4, 1878.

*Mr Speaker :*

The Governor has approved the following bills, which originated in the House :

- H. B. 30. To abolish the criminal jurisdiction of the county court of Lauderdale county.
- H. B. 59. To prevent attorneys and solicitors becoming sureties on official bonds of officers of courts.
- H. B. 82. To amend section 4800 of the Code ;
- H. B. 12. To repeal an act entitled an act to secure more effectually competent and well qualified jurors in the counties of Montgomery, Lowndes, Autauga, Dallas, Perry and Bullock, so far as the same relates to the county of Perry.

H. B. 24. To repeal an act entitled an act to increase the fees of public officers of Mobile county, approved December 7, 1866.

Very respectfully,

THOS. H. REYNOLDS,  
Recording Secretary.

MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
December 4, 1878.

*Mr. Speaker :*

The Senate has passed the following House bills:

H. B. 60. To prevent the sale or giving away of spirituous or vinous liquors within two miles of the town of Madison, in the county of Madison ;

H. B. 129. To repeal an act to abolish the office of tax collector of the counties of Bibb and Colbert, and to require the sheriffs of said counties to collect the taxes.

And has originated and passed the following bills :

s. 111. To amend section 4541 (3840) of the Code ;

s. 93. To authorize fire and marine insurance companies in this State to reduce their capital stock ;

s. 7. To amend an act entitled an act to amend section 12 of an act to establish a new charter for the town of Union Springs, Alabama, approved February 1, 1876.

And has originated and passed the following bills, which were ordered to be sent to the House forthwith without being engrossed :

s. 141. For the relief of the University of Alabama ;

s. 71. To incorporate the Brunswick & Albany Railroad Company, and to authorize said company to extend their road from the western bank of the Chattahoochee river into the corporate limits of the city of Eufaula.

W. L. CLAY, Secretary.

The Senate bills just received (s. 111, s. 93, s. 7, s. 141, s. 71);

Were severally read once, and ordered to a second reading on to-morrow.

SPECIAL ORDER.

The hour of 12 o'clock having arrived, the House proceeded to the consideration of the special order set for that hour, viz:

the reports of the committee on privileges and elections upon the contest of J. D. Burnett v. Eli Clark, sitting member from Conecuh.

The question pending being the motion of Mr. Lyons to substitute the minority for the majority report.

Mr. Lawson moved to lay the motion on the table.

Agreed to,

And the report of the majority was concurred in.

Mr. Williams, from the committee on privileges and elections, submitted the following report ;

And, on motion of Mr. Taylor of Lauderdale, its further consideration was postponed until to-morrow.

#### REPORT OF THE COMMITTEE ON PRIVILEGES AND ELECTIONS.

##### *J. F. Haigler v. H. A. Carson.*

The committee on privileges and elections, to whom was referred the matter of the contested election of the sitting member from Lowndes county, beg leave to report as follows :

Mr. J. F. Haigler filed, as required by law, his application to contest the right of H. A. Carson to a seat in the House of Representatives, and set forth specifically the grounds of contest as required by law. Among other things, he alleged that eighty-three votes cast for him at the Mt. Willing precinct had been wrongfully excluded in the count made by the board of supervisors. That these eighty-three votes had been cast for him in ballots setting forth his full name, and for which office ; and that by a mistake of the clerk of the precinct in making out the certificate, his name was written J. F. Haigher, instead of J. F. Haigler, as it should have been.

The allegations of the petition for contest are clearly and fully proven ; and there is no countervailing testimony offered by the sitting member as to the Mt. Willing precinct. It appears from the uncontradicted facts that according to the returns made by the board of supervisors of elections for Lowndes county, that Carson received one thousand and forty votes for representative, and that Haigler received one thousand and three votes for representative, excluding the eighty-three votes cast for him at Mt. Willing. There were no votes cast for Carson at the Mt. Willing precinct. So that it appears clearly that when the eighty-three votes cast for Haigler at Mt. Willing are added to the 1003, he received

1086 votes, thus giving him forty-six majority over the sitting member.

Carson, the sitting member, answered the contestant's allegations on the 8th November, and on the 9th November it appears that a copy of this answer was personally served on J. F. Haigler, only three days before the meeting of the legislature. This answer of Carson sets up, by way of defense, that the returns from Lowndesboro precinct, and from Steep Creek precinct, were wrongfully excluded in the estimate made by the board of supervisors—and in the certificate made to the secretary of State—and that at these precincts he received enough legal votes more than Haigler to give him a clear majority; giving to Haigler the eighty-three votes cast for him at Mt. Willing precinct.

No notice was ever given to the inspectors of these precincts by Carson to preserve the poll lists and ballots cast at them.

There was no such notice as the statute requires for ten days before the trial, given to Haigler, that testimony would be offered as to the votes of these precincts. As to these two precincts, Carson became the actor, and by law he was required to give ten days notice, personally served on Haigler, of his intention to make proof as to them. This was not done.

Your committee therefore think that whether the returns from Lowndesboro and Steep Creek precincts were properly excluded by the supervisors or not, there has been no proper notice given to Haigler that any testimony would be offered as to them; although the committee heard testimony as to them, it was done subject to legal exceptions.

But if the evidence offered and heard by the committee, as to these two precincts, were considered, it is wholly insufficient to overcome the prima facie case made by the action of the board of supervisors. There were never any returns, with certificates, signed by the inspectors at Lowndesboro, sent by the returning officer appointed for that precinct by the board of supervisors. The votes were never kept as the law directs, and the whole proceedings at Lowndesboro were so irregular, informal and uncertain as to forbid us, acting under the law, from taking into the estimate any votes cast there.

The votes at Steep Creek were left in a worse condition than at Lowndesboro. The votes were merely strung on a string, and so loosely kept that there is no evidence before us which ought to induce us to take them into the count.

We have delayed this case from day to day, and have af-

forded to the contestee and his counsel every opportunity within our power to attain a full and just unfolding of the matters involved in this contest; and without entering into further details, your committee are unanimously of the opinion that H. A. Carson is not entitled to the seat he now holds—and that J. F. Haigler is entitled to the same—he having received a majority of the legal votes cast for representative from Lowndes county.

All of which is respectfully submitted,

THOS. WILLIAMS, Ch'n.  
WM. A. WALKER,  
J. M. KENNEDY,  
J. D. COOPER,  
MALACHI RILEY,  
R. J. REYNOLDS,  
JNO. W. HEACOCK,  
W. A. McDUGALD.

By leave, Mr. Woolf offered—

Joint resolution raising joint committee, consisting of three on the part of the House, one of whom shall be the Speaker, and two on the part of the Senate, one of whom shall be the President of the Senate, to prepare and report certain rules;

Which was read and adopted.

The Speaker announced as the committee on the revision of the journals—

Messrs. Smith of Mobile, and Sharpe and Campbell.

Also, announced that he had added Mr. Culver to the committee to examine auditor's and treasurer's offices, in place of Mr. Lawson, excused.

On motion of Mr. Taylor of Lauderdale, the House adjourned until to-morrow, 10 o'clock.

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## TWENTIETH DAY.

HOUSE OF REPRESENTATIVES,  
THURSDAY, December 5, 1878.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Davidson of the House.

On the call of the roll, the following members answered to their names:

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bow-



den, Boykin, Bradford, Brooks, Caldwell, Campbell, Carson, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, English, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—88.

Journal of yesterday read and approved.

The Speaker announced as the committee under the joint resolution on rules—

Messrs. Speaker, Woolf and Betts.

#### ENROLLED BILLS—SIGNED.

Mr. Fletcher, from the committee on enrolled bills, reported as correctly enrolled the following bills, and the Speaker, in the presence of the House, immediately after the title had been publicly read, signed said bills:

H. B. 129. An act to repeal an act to abolish the office of tax collector of the counties of Bibb and Colbert, and to require the sheriffs of said counties to collect the taxes.

H. B. 60. An act to prevent the sale or giving away of spirituous or vinous liquors within two miles of the town of Madison, in the county of Madison.

The first business in order being the report of the committee on privileges and elections on the contested election case of J. F. Haigler v. H. A. Carson.

Mr. Carson asked and obtained leave to be heard at the bar of the House, through his counsel, and the further consideration of the report was postponed until 1 o'clock to-day.

#### BILLS ON SECOND READING.

The Senate bills—

s. 93. To authorize fire and marine insurance companies, in this State, to reduce their capital stock;

s. 7. To amend an act entitled an act to amend section 12

of an act, to establish a new charter for the town of Union Springs, Alabama, approved February 1, 1876;

s. 71. To incorporate the Brunswick and Albany Railroad Company, and to authorize the said company to extend their road from the western bank of the Chattahoochee river into the corporate limits of the city of Eufaula;

Were severally read the second time, and referred to the committee on corporations.

The Senate bill—

s. 111. To amend section 4541 of the Code;

Was read the second time, and referred to the committee on the penitentiary.

Senate bill—

s. 141. For the relief of the University of Alabama,

Was read the second time, and referred to the committee on education.

#### BILLS ON THIRD READING.

The bill—

H. B. 115. To provide for the impeachment and removal from office of the officers mentioned in section two and section three of article seven of the Constitution of Alabama—

Was ordered to a third reading forthwith, read the third time and passed—yeas 83, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Bowdon, Bradford, Caldwell, Campbell, Cochrane, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Griggs, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Molett, Muldon, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Willett, Wood, Woolf, Winn—83.

The House next proceeded to the consideration of—

H. B. 51. To amend section 4414 of the Code.

The question pending being the adoption of the amendment offered on yesterday,

Mr. Boger moved to amend the amendment so as to include Lawrence county within the exemption provided by the amendment.

Mr. Kennedy moved to include Clay county.

" Foshee, Chilton county.

" Dawson, Tallapoosa county.

" Critcher, Marshall county.

" Thompson, Coosa county.

" Davidson, Blount county.

" Smith of Autauga, Autauga county.

" Curtis, Cullman county.

" Stribling, Washington county.

" Smith of Lowndes, Lowndes county.

The amendments were severally adopted ;

And the amendment, as amended, was adopted ;

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 84 ; nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Griggs, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McDougald, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Wood, Woolf, Winn—84.

#### MESSAGE FROM SENATE.

SENATE CHAMBER,

December 5, 1878.

*Mr. Speaker :*

The Senate has passed the following House bills—

H. B. 157 To amend section 79 of the Code of Alabama ;

H. B. 201 To repeal an act to prohibit the sale, or otherwise disposing of spirituous, vinous, or malt liquors, in less quantities than forty gallons, within five miles of the court house in the town of Scottsboro, Jackson county, Alabama, approved March 17, 1873.

And has adopted a substitute to, and, as substituted, passed the bill—

H. B. 93. To amend section 3496 of the Code.

W. L. CLAY,  
Secretary of Senate.

#### CALL OF THE COUNTIES.

On the call of the counties, bills were introduced as follows :

By Mr. Lawrence (with petition and evidence of publication of notice, etc.)—

H. B. 366. To prevent the sale, giving away, or otherwise disposing of alcoholic, vinous, or malt liquors, within two and one-half miles of Carmel (Presbyterian) church in Cherokee.

Also,

H. B. 367. To amend section 5027 of the Code of 1876.

Also,

H. B. 368. To amend section 5032 of the Code of 1876.

By Mr. Foshee (with statement)—

H. B. 369. To ratify the agreement made by and between William Lee, as county superintendent of education of Chilton county, and J. O. Smith, one of the sureties of L. W. Frazer, late county superintendent.

By Mr. Taylor of Choctaw—

H. B. 370. To amend sections 580 and 668 of the Code.

Also,

H. B. 371. To amend section 615 of the Code.

By Mr. Rushing—

H. B. 372. To repeal an act to restrain the powers of the commissioners court of Coffee county.

By Mr. Riley (with accounts, etc.)—

H. B. 373. To authorize the auditor to draw his warrant in favor of J. D. Hudson, door-keeper of the House, for furniture, repairs, etc., furnished the House.

By Mr. Lyons—

H. B. 374. To authorize and require the auditor to pay over to the several counties their respective shares of the money received for tax lands transferred by him.

By Mr. Lowther—

H. B. 375. To prevent the sale of spirituous, vinous, or malt liquors within three miles of Antioch church in Lee county.

By Mr. Fletcher—

H. B. 376. To amend an act to regulate the trials of misdemeanors in the county of Madison.

By Mr. Betts—

H. B. 377. To reduce the fees and fix the pay of the probate judge of Madison county.

By Mr. Bradford—

H. B. 378. To amend section 439 of the Code of Alabama. Also,

H. B. 379. To amend section 363 of the Code of Alabama.

By Mr. Critcher—

H. B. 380. To empower the Governor to appoint a county solicitor for the county of Marshal.

By Mr. McCarron—

H. B. 381. To amend section 4628 of the Code.

By Mr. Clark of Mobile—

H. B. 382. To authorize the auditor to draw his warrant in favor of John D. Burnett, contestant in the Conecuh county contested election case, for the sum of one hundred and ten dollars.

By Mr. Muldon—

H. B. 383. To provide for the appointment of official stenographers in the circuit courts of Alabama in the cities of Mobile, Montgomery, Selma, Eufaula and Huntsville, and also for the city courts of the cities of Mobile, Montgomery and Selma.

By Mr. Jolley—

H. B. 384. To regulate the fees of justices of the peace and constables in the county of Mobile.

By Mr. Hearn—

H. B. 385. To repeal all local and special laws relative to the working of public roads in the county of Randolph.

By Mr. Pitts—

H. B. 386. To empower the commissioners' court in the county of Shelby to appoint a civil engineer or surveyor to run out and mark the boundary line between the counties of Shelby and Jefferson.

By Mr. Dawson—

H. B. 387. To repeal an act to regulate the pay of the court of county commissioners of Tallapoosa county, and to regulate their pay.

By Mr. Stribling—

H. B. 388. To amend part 2 of section 757 of the Code.

Also,

H. B. 389. To amend part 4 of section 757 of the Code.

By Mr. Culver—

H. B. 390. To repeal subdivision 8 of section 358 of the Code.

By Mr. Molett—

H. B. 391. To repeal an act to prohibit the sale of spirituous and vinous liquors within five miles of Orrville, in the county of Dallas.

By Mr. Dolive—

H. B. 392. For the relief of Baldwin county, in regard to certain taxes and charges due to it from the State of Alabama.

Which bills were severally read once and ordered to a second reading on to-morrow.

Mr. Woolf offered the following resolution, which was adopted :

*Resolved*, That the chairman of the committee on temperance be authorized to appoint a clerk for that committee.

Mr. Smith of Mobile presented petition of Protectors' Association and Pomona Grange No. 67, asking for a law to provide a proper remedy for injuries to stock, and for other purposes.

Which was referred to the committee on local legislation, with instructions, if practicable, to report by bill or otherwise.

Mr. Jack offered the following resolution, which was adopted :

*Resolved*, That the committee on appropriations be instructed to inquire if there be any persons who have lost their eyesight, either in the State service of Alabama, or in the confederate service, what relief they deserve, and that they report by bill, or otherwise.

Mr. Taylor of Choctaw offered the following resolution, which was adopted :

*Resolved by the House*, That the door-keeper be instructed to receive and hang up in the hall of the House of Representatives, the portrait of the late General James H. Clanton, of Montgomery.

*Resolved further*, That the thanks of the House be tendered to Miss Mildred Tarver, for her courtesy in sending said portrait to this body.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
December 5, 1878.

*Mr Speaker :*

The Senate has originated and passed the following bills :  
s. 55. To amend section 2350 of the Code of Alabama.

s. 89. To enable Calvin Brett of Sumter county, to exhibit the magic lantern in the State of Alabama, without a license from the State.

s. 92. To lay off the county of Crenshaw into four commissioners districts.

s. 102. To change the boundary line between the counties of Etowah and DeKalb.

s. 101. To change the boundary line between the counties of Cherokee and DeKalb.

s. 130. To ratify an increase of the capital stock of the "Selma Press and Warehouse Company," at Selma, Ala.

s. 133. To prevent the sale, giving away, or otherwise disposing of spirituous, vinous, or malt liquors, within one mile of Bethlehem church, (Hilliard's cross-roads) in Pike county, Alabama.

W. L. Clay,  
Secretary.

The Senate bills just received viz: s. 55, s. 89, s. 92, s. 102, s. 101 and s. 133—were severally read once and ordered to a second reading on to-morrow.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Woolf reported back to the House the bill—

H. B. 344. To prescribe and define the terms upon which licenses to sell liquors may be granted and asked that it be referred to the committee on temperance.

It was so referred.

Mr. Foster of Barbour, from the committee on education, reported favorably to the bill,

H. B. 347. To authorize county superintendents of education to disburse certain poll-tax.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 85; nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Conecuh, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton,

Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Woolf, Winn—85.

On motion of Mr. Walker the bill was ordered to be sent forthwith to the Senate without engrossment.

Mr. Betts, from the committee on ways and means reported favorably to the bill.

H. B. 209. To amend section 400 of the Code.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 83 ; nays 0—Yeas.

Messrs. Speaker, Akers of Jefferson, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Caldwell, Campbell, Carson, Cochrane, Cooper, Culver, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Woolf, Winn—83.

Mr. Betts, from the same committee, reported favorably to the bill,

H. B. 326. To amend Section 399 of the Code of Alabama, of 1876.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 85 ; nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Boykin, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith



of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—85.

Mr. Smith of Mobile gave notice that on to-morrow he would move to reconsider the vote by which the bill passed.

Mr. Betts, from the same committee, reported favorably to the bill—

H. B. 231. To repeal an act to authorize the court of county commissioners of Escambia county to levy and collect a special tax for county purposes, approved March 18, 1870.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 86; nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—86.

Mr. Betts, from the same committee, reported favorably to the substitute (reported by the committee on 29th inst., and recommitted, with amendments) to the bill—

H. B. 196. To regulate the levy, assessing, collecting, keeping and disbursing the special taxes of the several counties of the State—

With the following amendments thereto:

1. Insert in the tenth line of section 1, after the word "county," the following: "Or specially for the purpose of paying debts existing at the ratification of the constitution of Alabama of 1875.

2. Amend by additional section, to be numbered 6.

3. Amend title by adding the words "municipal corporations" after word "counties."

The amendments were severally adopted, and the substitute, as amended, was adopted.

And the bill ordered to be engrossed for a third reading on to-morrow.

Mr. Taylor of Lauderdale, from the committee on local legislation, reported back—

H. B. 70. To repeal an act to require the tax collector of Bullock county to receive registered claims in payment of taxes, &c.—

And asked that it be referred to the judiciary committee.

It was so referred.

Mr. Betts, from the committee on ways and means, reported favorably to the bill—

H. B. 334. For the relief of certain tax collectors of the State.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 85; nays 1.

Yeas—Messrs. Speaker, Akers of J., Akers of M., Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of C., Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Madison, Sharpe, Sheid, Smith of Antauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Thompson, Walker Waller, Willett, Williams, Woolf—85.

Nay—Mr. Lee—1.

Mr. Taylor of Lauderdale, from the committee on local legislation, reported favorably to the bill—

H. B. 84. To provide for the registration of all claims and debts against Dallas county.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 86; nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register,

Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Toompson, Walker, Willett, Williams, Wood, Winn—86.

Mr. Taylor of Lauderdale, from the same committee, reported favorably to the bill—

H. B. 86. To regulate the number of persons drawn to serve as grand and petit jurors for the counties of Fayette and Lamar.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 87, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Gilbert, Griggs, Hearn, Heacock, Hughes, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—87.

Mr. Ralls gave notice of a motion to reconsider the vote just taken.

Mr. Taylor of Lauderdale, from the same committee, reported favorably to the bill—

H. B. 236. To authorize the court of county commissioners of Lauderdale county to issue new bonds for the purpose of paying off the old bonds of said county.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 80, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Betts, Boger, Bowdon, Bradford, Brooks, Caldwell, Campbell, Cochrane, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dolive, English, Fonville, Foshee, Fuller, Griggs, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Massey, Muldon, McCane, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of La-

mar, Sanders of Madison, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—80.

Mr. Taylor of Lauderdale, when his name was called, stated that he had a personal interest in the bill pending, and therefore could not vote.

Mr. Taylor of Lauderdale, from the committee on local legislation, reported favorably to the bill—

H. B. 248. To repeal an act to establish the city court of Eufaula, approved Feb. 14, 1870.

On motion of Mr. Foster of Barbour—

The further consideration of the bill was postponed and made the special order for 12 M. to-morrow.

Mr. Taylor of Lauderdale, from same committee, reported back to the House the bill—

H. B. 279. To prohibit camp-hunting in the county of Washington.

And asked that it be referred to special committee on game laws.

So referred.

Mr. Taylor of Lauderdale, from same committee, reported favorably to the Senate bill—

s. 87. In relation to the bonded debt of Montgomery county.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 81, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Bailey, Barnett, Betts, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Hutto, Jack, James, Jolley, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Massey, Molett, McCane, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of L., Sanders of Madison, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—81.

Mr. Taylor of Lauderdale, from the same committee, reported favorably to the bill—

H. B. 217. To authorize the county of Mobile to make and issue its bonds to a limited amount.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 86, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Bradford, Brooks, Caldwell Campbell, Carson, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Griggs, Hearn, Heacock, Hughes, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Molett, Muldon, McCane, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Parifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—86.

#### MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,  
MONTGOMERY, ALA., Dec. 5, 1878.

*Mr. Speaker:*

The governor has approved the following bills, which originated in the House:

H. B. 129. To repeal an act to abolish the office of tax collector of the counties of Bibb and Colbert, and to require the sheriffs of said counties to collect the taxes;

H. B. 60. To prevent the sale or giving away of spirituous or vinous liquors within two miles of the town of Madison, in the county of Madison.

Very respectfully,

THOS. H. REYNOLDS,  
Recording Secretary.

The hour of 1 o'clock having arrived, the House proceeded to the consideration of the special order for that hour, viz: the report of the committee on privileges and elections in the contested election case of J. F. Haigler v. H. A. Carson.

Mr. A. A. Wiley, the attorney for Mr. Carson, appeared at the bar of the House and addressed the House in behalf of Mr. Carson, the sitting member from Lowndes county.

On motion of Mr. Huey, the report of the committee was adopted.

Mr. Williams offered the following resolution, which was adopted :

*Resolved*, That J. F. Haigler is entitled to the seat upon this floor, now occupied by H. A. Carson, and that he be conducted to and seated in the same, as member elect from the county of Lowndes to this House.

Whereupon, Mr. J. F. Haigler came forward, and after having been duly qualified, took his seat as a member of the House.

Leave of absence was granted Mr. Barnett for to-morrow.

On motion of Mr. Stribling, the House adjourned until to-morrow morning, 10 o'clock.

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## TWENTY-FIRST DAY.

HOUSE OF REPRESENTATIVES,

Friday December 6, 1878.

The House met pursuant to adjournment.

Prayer by Rev. Dr. Stringfellow.

On the call of the roll, the following members answered to their names :

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Muldon, McCane, McCarron, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Wolf, Winn—90.

Journal of yesterday read and approved.

### ENROLLED BILLS—SIGNED.

Mr. Fletcher, from the committee on enrolled bills, reported

as correctly enrolled the following bills, and the Speaker, in the presence of the House, immediately after the title had been publicly read, signed said bills:

H. B. 157. An act to amend section 79 of the Code of Alabama;

H. B. 201. An act to repeal an act to prohibit the sale or otherwise disposing of spirituous, vinous or malt liquors in less quantities than forty gallons, within five miles of the court-house in the town of Scottsboro, Jackson county, Alabama, approved March 17, 1873.

#### RECONSIDERATION.

On motion of Mr. Smith of Mobile, the vote ordering to a third reading the bill—

H. B. 196. To regulate the levying, &c., the special taxes for counties and municipal corporations;

Was reconsidered, and its further consideration was postponed and made the special order for to-morrow, 11 A. M.

On motion of Mr. Betts, the vote by which the bill passed on yesterday—

H. B. 326. To amend section 399 of the Code,

Was reconsidered; also the vote ordering the bill to a third reading, and the bill was recommitted.

Mr. Ralls withdrew the notice of reconsideration of vote by which H. B. 86 passed.

#### BILLS ON SECOND READING.

The bills—

H. B. 366. To prevent the sale, giving away, or otherwise disposing of alcoholic, vinous or malt liquors, within two and one-half miles of Carmel (Presbyterian) church, in Cherokee county;

H. B. 375. To prevent the sale of spirituous, vinous or malt liquors within three miles of Antioch church, in Lee county;

H. B. 391. To repeal an act to prohibit the sale of spirituous and vinous liquors within five miles of Orville, in the county of Dallas;

Were severally read the second time and referred to the committee on temperance.

The Senate bill—

s. 133. To prevent the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, within one mile

of Bethlehem church (Hilliard's cross-roads), in Pike county;  
Was read the second time.

Mr. Owens moved to amend by striking out "one mile" and inserting "two miles."

The bill, with amendment, was referred to the committee on temperance.

The bills—

H. B. 367. To amend section 5027 of the Code of 1876 ;

H. B. 368. To amend section 5032 of the Code of 1876 ;

H. B. 370. To amend sections 580 and 663 of the Code ;

H. B. 371. To amend section 615 of the Code ;

H. B. 387. To repeal an act to regulate the pay of the court of county commissioners of Tallapoosa county, and to regulate their pay ;

H. B. 377. To reduce the fees, and fix the pay of the probate judge of Madison county ;

H. B. 384. To regulate the fees of justices of the peace and constables in the county of Mobile ;

Were severally read the second time, and referred to the committee on fees and salaries.

The bill—

H. B. 369. To ratify the agreement between William Lee, as county superintendent of education of Chilton county, and J. O. Smith, one of the sureties of L. W. Frazier, late county superintendent of education of said county ;

Was read the second time, and referred to the committee on education.

The bills—

H. B. 372. To repeal an act to restrain the powers of the commissioners court of Coffee county ;

H. B. 386. To empower the commissioners court of the county of Shelby to appoint a civil engineer or surveyor, to run out and mark the boundary line between the counties of Shelby and Jefferson ;

Were severally read the second time and referred to the committee on local legislation.

The Senate bill—

s. 92. To lay off the county of Crenshaw into four commissioners' districts ;

Was read the second time.

Amendments were offered to include certain counties, and the bill, with the amendments, was referred to the committee on local legislation.

The bill—

H. B. 373. To authorize the auditor to draw his warrant in



favor of J. D. Hudson, door-keeper of the House, for furniture, repairs, &c., furnished the House;

Was read the second time and referred to the committee on accounts and claims.

The bill—

H. B. 382. To authorize the auditor to draw his warrant in favor of John D. Burnett, contestant, &c.;

Was read the second time and referred to the committee on appropriations.

The bills—

H. B. 374. To authorize and require the auditor to pay over to the several counties their respective shares of the money received for tax lands transferred by him;

H. B. 378. To amend section 439 of the Code of Alabama;

H. B. 379. To amend section 363 of the Code of Alabama;

H. B. 390. To repeal subdivision 8 of section 358 of the Code;

H. B. 392. For the relief of Baldwin county in regard to certain taxes and charges due to it from the State of Alabama.

And the Senate bill—

s. 89. To enable Calvin Brett of Sumter county, to exhibit the Magic Lantern in the State of Alabama without a license;

Were severally read the second time and referred to the committee on ways and means.

The bills—

H. B. 376. To amend an act to regulate the trial of misdemeanors in the county of Madison;

H. B. 380. To empower the governor to appoint a county solicitor for the county of Marshall;

H. B. 381. To amend section 4628 of the Code;

H. B. 383. To provide for the appointment of official stenographers for the circuit courts of Alabama, in the cities of Mobile, Montgomery, Selma, Eufaula and Huntsville, and also for the city courts of the cities of Mobile, Montgomery and Selma;

And the Senate bill—

s. 55. To amend section 2350 of the Code of Alabama;

Were severally read the second time and referred to the judiciary committee.

The bills—

H. B. 388. To amend part 2 of section 757 of the Code;

H. B. 389. To amend part 4 of section 757 of the Code;

Were severally read the second time.

Mr. Stribling moved to amend by exempting Washington county from the operations of said acts.

The bills, with the amendments, were referred to the judiciary committee.

The bill—

H. B. 385. To repeal all local and special laws relative to the working of public roads in the county of Randolph;

Was read the second time and referred to the committee on public roads and highways.

The Senate bills—

s. 102. To change the boundary line between the counties of Etowah and DeKalb;

s. 101. To change the boundary line between the counties of Cherokee and DeKalb;

Were severally read the second time and referred to the committee on counties and county boundaries.

The Senate bill—

s. 130. To ratify an increase of the capital stock of the Selma Press and Ware House Company, at Selma, Ala.

Was read the second time and referred to the committee on corporations.

#### RECONSIDERATION.

Mr. Stribling moved to reconsider the vote by which the bill passed on yesterday—

H. B. 86. To regulate the number of persons drawn to serve as grand and petit jurors for the counties of Fayette and Lamar, and also the vote ordering the bill to a third reading;

Agreed to.

Mr. Stribling moved to amend by adding the county of Washington.

Mr. Akers of Marion, Marion county.

Mr. Lawrence, Cherokee county.

Mr. Ash, St. Clair county.

Mr. Nettles, Monroe county.

Mr. McCane, Butler county.

Mr. Ralls, Etowah county.

Mr. Clark of Conecuh, Conecuh county.

Mr. Sheid, Calhoun county.

Mr. Jack, Franklin county.

Mr. Steele, Colbert county.

Mr. Foshee, Chilton county.

Mr. Alexander, Cleburne county.

Mr. Hearn, Randolph county.  
 Mr. Lyons, Escambia county.  
 Mr. Rushing, Coffee county.  
 Mr. Dolive, Baldwin county.  
 Mr. Owens, Pike county.  
 Mr. Heacock, Talladega county.  
 Mr. Davidson, Blount county.  
 Mr. Fonville, Crenshaw county.  
 Mr. Curtis, Cullman county.  
 Mr. Boger, Lawrence county.

The amendments were severally adopted.

Mr. Lawrence moved to amend by adding at the close of section one: Provided, that when courts are held for two or more weeks, twenty-four petit jurors shall be drawn for each week.

The amendment was adopted.

The title of the bill was amended to correspond with the amendments. Adopted.

The bill ordered to a third reading forthwith, read the third time, and passed—yeas 80; nays 6.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Billingslea, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Cooper, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hearn, Heacock, Hughes, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Legg, Lowther, Lyons, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Lauderdale, Walker, Waller, Williams, Wood, Woolf, Winn—80.

Nays—Messrs. Betts, Lee, Sharpe, Taylor of Choctaw, Thompson, Willett—6.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the governor by his secretary, Mr. Reynolds:

EXECUTIVE DEPARTMENT,  
 MONTGOMERY, ALA., Dec. 5, 1878.

*Gentlemen of the Senate and House of Representatives:*

At the request of the Board of Trustees of the Alabama

Insane Hospital, I herewith transmit to your honorable bodies the accompanying resolutions, which I commend to your respectful consideration.

R. W. COBB, Governor.

The message just received was taken up, and on motion of Mr. Muldon referred, with the accompanying resolutions, to the joint committee raised to visit the Asylum, &c.

MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
December 6, 1878.

*Mr. Speaker :*

The Senate has passed the following House bills :

H. B. 37. To authorize the court of county commissioners for the county of Madison to issue new bonds to pay off bonds of said county, which are now outstanding and will fall due January the first, 1880, and to levy a special tax to pay the interest on said bonds.

H. B. 80. To make Sam'l H. Stripling a citizen of Clay county, being a liner between Cleburne and Clay county.

H. B. 92. To amend section 739 of the Code.

H. B. 111. To amend the act to incorporate the town of Guntersville, in the county of Marshall.

H. B. 168. To repeal an act entitled an act to incorporate the town of Dadeville, in Tallapoosa county, Alabama, approved March 6, 1871.

H. B. 175. To amend an act to incorporate the town of Prattville, approved February 17, 1872.

H. B. 244. To change the line between the counties of Jefferson and Shelby.

And has amended, as therein shown, and passed the House bills—

H. B. 1. To repeal an act to amend ninth section of an act to incorporate the town of Tuskegee, in the county of Macon, and for other purposes, and to re-enact said ninth section, with an amendment.

H. B. 110. To amend section 19 of the act to incorporate the town of Guntersville, in Marshall county.

H. B. 173. To fix the time for holding the circuit courts of the sixth judicial circuit of Alabama, and to regulate the practice therein.

And has concurred in the House joint resolution—

Raising a joint committee to prepare certain rules.

Committee on the part of the Senate—Messrs. President and Troy.

And has concurred in House amendments to Senate bill—  
s. 43. To amend section 7:3 of the Code of Alabama.

W. L. CLAY, Secretary.

The House next proceeded to the consideration of the amendment of the Senate to the bill—

H. B. 93. To amend section 3496 of the Code ;

And concurred in said amendment (it being a substitute)—  
yeas 69; nays 10.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Betts, Boger, Boykin, Bradford, Brooks, Caldwell, Carson, Cochrane, Cooper, Culver, Critcher, Crutcher, Dark, Davis, Dawson, Dolive, Fonville, Foster of Barbour, Griggs, Hearn, Heacock, Hughes, Huey, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCarron, McDougald, McIlwain, Nettles, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Antauga, Smith of Mobile, Stribling, Thompson, Walker, Willett, Williams, Woolf, Winn—69.

Nays—Messrs. Alexander, Foshee, Hutto, Owens, Rushing, Smith of Lowndes, Steele, Taylor of Lauderdale, Wood—10.

The House also concurred in the amendment of the Senate to the bill—

H. B. 1. To repeal an act to amend the ninth section of an act to incorporate the town of Tuskegee in the county of Macon, and for other purposes; and to re-enact said ninth section, with an amendment.

Yeas 85; nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Boykin, Boykin, Brooks, Caldwell, Campbell, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing,

Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—85.

MESSAGE FROM THE SENATE.

SENATE CHAMBER,

December 6, 1878.

*Mr. Speaker :*

The Senate has originated and passed the following bills—

s. 131. To amend sections 1400 and 1401 of the Code.

s. 137. To amend section 1776 of the Code in relation to the qualifications of officers of incorporated towns.

s. 134. To amend an act to amend section 19 of an act to incorporate the town of Gadsden, approved February 9, 1877.

s. 156. To amend an act to fix the time of holding the circuit courts of the 12th judicial circuit of Alabama, approved December 14, 1876.

And ordered the last named to be sent to the House without engrossment.

W. L. CLAY, Secretary.

The Senate bills just received, viz :

s. 137, s. 134, s. 156,

Were severally read once, and ordered to a second reading on to-morrow.

By leave—

Mr. Kirkpatrick offered the following resolution, which was adopted :

*Resolved*, That the committee on 'State capitol be instructed to have such repairs made to this hall during recess as may actually be required, and that can be done during that time.

By leave—

Mr. Bowdon offered resolution instructing the judiciary committee to inquire and report whether it is the duty of circuit solicitors to act as prosecuting attorneys in the county courts, and whether they are entitled to fees for such services.

Which was read and adopted.

By leave—

The following bills were introduced :

By Mr. Sharpe—

H. B. 393. To extend the time for enforcing the collection of certain taxes for the year 1877.

By Mr. Woolf—

H. B. 394. To amend sections 4080 and 4081 of the Code of Alabama.

By Mr. Williams—

H. B. 395. To authorize the auditor to draw his warrant in favor of N. J. and C. G. Sanford.

By Mr. Taylor of Choctaw—

H. B. 396. To further regulate the securing, preservation and sales of the swamp and overflowed lands of the State.

By Mr. Bradford—

H. B. 397. To amend section 376 of the Code of Alabama.

By Mr. Taylor of Choctaw—

H. B. 398. To repeal an act to prohibit the sale of spirituous or vinous liquors within two miles of the town of Mount Sterling, in Choctaw county, approved November 28, 1871.

By Mr. Lawson—

H. B. 399. To regulate the weighing, handling and sampling bale cotton in the county of Montgomery.

By Mr. Culver—

H. B. 400. To amend section 4769 of the Code.

By Mr. Hearn—

H. B. 401. To amend sections 3677 and 3680 of the Code of Alabama.

By Mr. Williams—

H. B. 402. To amend an act to amend section 1 of an act to define the corporate limits of Wetumpka.

By Mr. Ramsey—

H. B. 403. To protect the traveling public in Alabama.

Also,

H. B. 404. To require the tax collector of Sumter to receive in payment of county taxes valid registered claims against the general fund of said county.

Also,

H. B. 405. To repeal an act to regulate the letting of contracts for public works in the county of Sumter, approved February 5, 1877.

By Mr. Stribling—

H. B. 406. In relation to fencing and operating railroads within the limits of Washington county.

By Mr. Riley—

H. B. 407. To amend an act to regulate the levy of special taxes by commissioners' courts as to Covington county.

By Mr. Foshee—

H. B. 408. To enable S. C. Kenney of Chilton county to peddle in dry goods without license.

By Mr. Foster of Barbour—

H. B. 409. To amend section 2293 of the Code of Alabama of 1876.

Which bills were severally read once and ordered to a second reading on to-morrow.

Mr. Jack presented the petition of certain citizens of Franklin county—

Asking for the enactment of a law allowing the sale of spirituous liquors in the town of Frankfort, by the quart and gallon;

Which was referred to the committee on temperance.

Mr. Muldon presented the petition and memorial of certain citizens of the city of Mobile—

Concerning an unjust discrimination in the license tax of said city;

Which was referred to the committee on ways and means.

Mr. Sharpe, by leave, offered—

Joint resolution raising joint committee on mileage of the members of the General Assembly.

Which was read and adopted.

Committee on the part of the House—Messrs. Sharpe, Molett, Thompson, Evans and Critcher.

#### SPECIAL ORDER.

The hour of 12 o'clock having arrived, the House proceeded to the consideration of the special order set for this hour, viz: the bill

H. B. 248. To repeal an act to establish the city court of Eufaula, approved February 14, 1870.

Mr. Massey moved to amend by adding to the third section the following:

And all causes now pending in the supreme court on appeal, from said city court, or which may hereafter be taken from said city court to the supreme court on appeal, shall be heard in said supreme court; and if any such cause in said supreme court be reversed and remanded, they shall be sent to the circuit court of Barbour county as if the appeal had been taken from said circuit court, and there stand for trial the same as other causes transferred to it from said city court; and if any such causes be affirmed in said supreme court, all orders and judgments shall be made and enforced as though the causes had been appealed from said circuit court, and all pro-



cess issued from said supreme court in such causes, shall be made returnable to said circuit court if the same would have been made returnable to the said city court of Eufaula, if this act had not been passed.

The amendment was adopted, and the bill ordered to a third reading forthwith, read third time and passed—yeas 83, nays 2.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Conecuh, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—83.

Nays—Messrs. Martin and Rushing—2.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Taylor of Lauderdale, from the committee on local legislation, reported favorably to the bill—

H. B. 62. To repeal an act to regulate the number of persons drawn to serve as petit jurors for the county of Marion.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 86, nays 0.

Yeas—Messrs. Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Bowdon, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, McCarron, McDougald, McIlwain, Nettles, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mo-

bile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—86.

Also, from same committee, reported adversely to the bill—

H. B. 107. To regulate the number of persons drawn to serve as grand jurors for the county of Marion,

Which was concurred in.

Also, from same committee, reported favorably to the bill—

H. B. 177. To repeal an act to authorize the commissioners court of Franklin, and other counties therein named, to lay off their respective counties into four commissioners' districts, approved February 16, 1875, so far as the same relates to the county of Barbour.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 86, nays 0.

Yeas—Messrs. Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Bowden, Boykin, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Wood, Woolf, Winn—86.

Also, from same committee, reported favorably with amendment to the bill—

H. B. 237. To increase the jurisdiction of justices of the peace in Limestone county.

Amend title by inserting before "jurisdiction" the word "criminal."

The amendment was adopted.

Mr. McCane moved to amend by adding the county of Butler.

Mr. Akers of Marion, Marion county.

Mr. Gilbert, DeKalb county.

Mr. Crutcher, Marshall county.

The amendments were severally adopted.

Mr. Clark of Conecuh, moved to amend by adding the county of Conecuh.

The amendment was lost.

The title of the bill was amended to correspond with the amendments adopted;

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 63, nays 16.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Ash, Betts, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Fonville, Foshee, Fuller, Fletcher, Gilbert, Haigler, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Massey, Molett, McCane, McIlwain, Owens, Patton, Pearson, Purifoy, Ralls, Register, Rushing, Sanders of Lamar, Sanders of Madison, Sheid, Smith of Autauga, Smith of Lownds, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Williams, Wood, Winn—63.

Nays—Messrs. Armstrong, Bailey, Cochrane, Foster of Barbour, Griggs, James, Lowther, Lyons, Martin, McCarron, Ramsey, Thompson, Walker, Willett and Woolf—16.

Also, from same committee, reported favorably to the Senate bill—

s. 19. To repeal an act to provide for the collection and distribution of fines and forfeitures in the counties of Clay and Coosa, so far as the same relates to the county of Coosa.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 84, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Bowdon, Boykin, Brooks, Caldwell, Campbell, Cochran, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Evans, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hearn, Heacock, Hughes, Huey, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn.

Also, from same committee, reported favorably, with amendment, to the bill —

H. B. 340. To regulate the election of county commissioners of roads and revenue for Washington county.

Amend by striking out "term of" after word "his" in section two, and inserting "continuance in."

The amendment was adopted.

Mr. Kennedy moved to amend by adding the county of Clay.

Mr. Akers of Marion, the county of Marion.

The amendments were severally adopted, and the title of the bill was amended to correspond ;

And the bill was ordered to a third reading forthwith, read the third time and passed—yeas 84 ; nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Bowdon, Boykin, Brooks, Caldwell, Campbell, Cochran, Cooper, Curtiz, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Molett, McCane, McCarron, McIlwain, Nettles, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—84.

Also, from same committee, reported back to the House the bills—

H. B. 183. To repeal section 3286 of the Code ;

H. B. 184. To prohibit the giving of mortgages on growing crops ;

And asked their reference to judiciary committee.

So ordered.

Also, reported back to the House the bills—

H. B. 132 and 188 ;

And they were, by leave of the House, withdrawn, as the relief proposed had been incorporated in another bill (H. B. 142).

Also, from same committee (local legislation), reported favorably to the bill—

H. B. 276. To repeal an act in relation to the fine and for-

feiture fund of Tuscaloosa and other counties therein named, so far as the same relates to the county of Tuscaloosa.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 87; nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lyons, Martin, Massey, Molett, McCane, McCarron, McIlwain, Nettles, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—87.

Also, from same committee, reported favorably to the bill—

H. B. 167. To repeal an act to enlarge the jurisdiction of justices of the peace in Sumter county, north of the line dividing townships 20 and 21 in said county, approved March 17, 1875.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 86, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Crutcher, Dark, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Martin, Massey, Molett, McCane, McIlwain, Nettles, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—86.

By leave—

Mr. Foster of Barbour, from the committee on education, reported favorably to the Senate bill—

s. 141. For the relief of the University of Alabama.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 78, nays 2.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochran, Cooper, Curtis, Clark of Conecuh, Clark of Mobile, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McIlwain, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—78.

Nays—Messrs. Crutcher and Taylor of Lauderdale—2.

#### MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,  
Montgomery, Ala., Dec. 6, 1878.

*Mr. Speaker :*

The governor has approved the following bills which originated in the House :

H. B. 201. To repeal an act to prohibit the sale, or otherwise disposing of spirituous, vinous, or malt liquors, in less quantities than forty gallons, within five miles of the courthouse in the town of Scottsboro, Jackson county Alabama, approved March 17, 1873.

H. B. 157. To amend section 79 of the Code of Alabama.

Respectfully,

THOS. H. REYNOLDS,

Recording Secretary.

By leave, Mr. Smith of Mobile, submitted the following report :

*Mr. Speaker :*

The committee on federal relations, have carefully considered the joint resolutions adopted by the Senate, instructing our Senators and requesting our representatives in congress, to urge the enactment of such laws as may be necessary to prevent the exercise of jurisdiction by the courts of the United States, in suits against municipal corporations in the

several States; and, in accordance with its instructions, I respectfully report, as the opinion and conclusions of the committee.

That it is very desirable to obtain the object of the resolutions, if practicable.

The resolutions, however, provide that the preamble and resolutions shall be forwarded to the several governors of the different States, to be laid before the legislative bodies of those States, and the committee think that the great fundamental propositions laid down in the preamble should receive the careful consideration of this House, so that its conclusions may be surely correct and unassailable.

The committee also thinks it is not advisable to draw the distinction between our Senators and Representatives in Congress, which is drawn between them in the resolutions, and therefore recommends that the words "be instructed," in the second time of section one of the resolutions be stricken out; and that one hundred and fifty copies of the preamble and resolutions, so amended, be printed for the use of the House, and that the consideration of the same be made the special order for next Monday, the 9th inst., at the hour of 12 o'clock M.

J. LITTLE SMITH,

Chair. Com. Fed. Relations.

The amendment proposed by the committee was adopted, and 150 copies of the memorial, as amended, as recommended by the committee, were ordered to be printed;

And the further consideration of the memorial was postponed, and made the special order for Monday, 9th inst., at 12 M.

Mr. Smith of Mobile, from the same committee, reported favorably to the Senate—

s. 65. Joint resolution in relation to the Federal tax on the issues of State banks.

Which was adopted.

By leave, Mr. McCane introduced—

H. B. 410. Joint memorial to the Congress of the United States in relation to the militia of Alabama, and the mode of appointing cadets to the military academy at West Point.

Which was read, and referred to the committee on the military.

Leave of absence was granted Mr. Winn until Monday next.

On motion of Mr. Stribling, the House adjourned until tomorrow morning 10 o'clock.

# TWENTY-SECOND DAY.

HOUSE OF REPRESENTATIVES,  
Saturday, December 7, 1878.

The House met pursuant to adjournment.

Prayer by Rev. Dr. Stringfellow.

On the call of the roll, the following members answered to their names:

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Bil-  
lingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell,  
Campbell, Cochrane, Cooper, Curtis, Clark of Conecuh, Clark  
of Mobile, Critcher, Crutcher, Dark, Davis, Dolive, English,  
Evans, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs,  
Haigler, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James,  
Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg,  
Lowther, Lyons, Massey, Molett, Muldon, McCane, McCarron,  
McDougald, McIlwain, Nettles, Owens, Patton, Pearson, Pitts,  
Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of  
Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga,  
Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor  
of Lauderdale, Thompson, Walker, Willett, Williams, Wood  
—84.

Journal of yesterday read and approved.

Leave of absence was granted Messrs. Nicholson and Eng-  
lish for to-day;

And Mr. Caldwell for next Monday and Tuesday.

Mr. Akers asked leave for the special committee on mines  
to set apart from the House for a few moments.

Agreed to.

## ENROLLED BILLS SIGNED.

M. Fletcher, from the committee on enrolled bills, reported  
as correctly enrolled the following bills,

And the Speaker, in the presence of the House, immedi-  
ately after the titles had been publicly read, signed said  
bills—

H. B. 80. To make Samuel H. Striplin a citizen of Clay  
county, being a liner between Cleburne and Clay counties.

H. B. 168. To repeal an act entitled an act to incorporate  
the town of Dadeville in Tallapoosa county, Alabama, ap-  
proved March 6, 1871.



H. B. 92. To amend section 739 of the Code.

H. B. 37. To authorize the court of county commissioners of the county of Madison to issue new bonds, to pay off bonds of said county which are now outstanding and will fall due January 1, 1880, and to levy a special tax to pay the interest on said bonds.

H. B. 93. To amend section 3496 of the Code.

H. B. 1. To repeal an act to amend the ninth section of an act to incorporate the town of Tuskegee in the county of Macon, and for other purposes; and to re-enact said ninth section, with an amendment.

H. B. 244. To change the line between the counties of Jefferson and Shelby.

#### RECONSIDERATION.

On motion of Mr. Foster of Barbour, the vote by which the bill—

H. B. 248. To repeal an act to establish the city court of Eufaula, approved February 14, 1870—

Was passed;

Was reconsidered.

And also the vote ordering the bill to a third reading;

And the further consideration of the bill was postponed and made the special order for 12 M. January 16, 1879.

#### BILLS ON SECOND READING.

The bills—

H. B. 393. To extend the time for enforcing the collection of certain taxes for the year 1877;

H. B. 395. To authorize the auditor to draw his warrant in favor of N. J. and C. G. Sanford;

H. B. 397. To amend section 376 of the Code of Alabama;

H. B. 403. To protect the traveling public in Alabama;

Were severally read the second time and referred to the committee on ways and means.

The bills—

H. B. 394. To amend sections 4080 and 4081 of the Code of Alabama;

H. B. 406. To amend section 4764 of the Code;

H. B. 401. To amend sections 3677 and 3680 of the Code of Alabama;

H. B. 409. To amend section 2293 of the Code of Alabama of 1876;

Were severally read the second time and referred to the judiciary committee.

The bill—

H. B. 396. To further regulate the securing, preservation, and sales of the swamp and overflowed lands of the State;

Was read the second time and referred to the select joint committee on swamp lands, etc.

The bill—

H. B. 398. To repeal an act to prohibit the sale of spirituous or vinous liquors within two miles of the town of Mount Sterling in Choctaw county, approved Nov. 28, 1871;

Was read a second time and referred to the committee on temperance.

The bills—

H. B. 399. To regulate the weighing, handling, and sampling bale cotton in the county of Montgomery;

H. B. 404. To require the tax collector of Sumter county to receive in payment of county taxes valid registered claims against the general fund of said county.

H. B. 405. To repeal an act to regulate the letting of contracts for public works in the county of Sumter, approved February 5, 1877;

H. B. 408. To enable S. C. Kenney of Chilton county to peddle in dry goods without license;

H. B. 407. To amend an act to regulate the levy of special taxes by commissioners' courts, as to Covington county;

Were read the second time and referred to the committee on local legislation.

The bills—

H. B. 402. To amend an act to amend section 1 of an act to define the corporate limits of Wetumpka;

H. B. 406. In relation to fencing and operating railroads within the limits of Washington county;

And the Senate bills—

s. 134. To amend an act to amend section 19 of an act to incorporate the town of Gadsden, approved February 9, 1877.

s. 137. To amend section 1776 of the Code, in relation to the qualifications of officers of incorporated towns;

Were severally read the second time and referred to the committee on corporations.

The Senate bill—

s. 131. To amend sections 1400 and 1401 of the Code;

\* Was read the second time and referred to the committee on agriculture and commerce.

The Senate bill—

s. 156. To amend an act to fix the time of holding the circuit courts, in the 12th judicial circuit, approved December 4, 1876.

Was read the second time and referred to a special committee of three.

Committee—Messrs. Ralls, Ash and Sheid.

Senate business—

The House concurred in the amendments of the Senate to the bill.

H. B. 173. To fix the time for holding the circuit courts of the sixth judicial circuit of Alabama, and to regulate the practice therein—yeas 80; nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Bradford Brooks, Caldwell, Cochrane, Cooper, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Fletcher, Gilbert, Griggs, Haigler, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McIlwain, Nettles, Owens, Patton, Portis, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Steele Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood—80.

Also concurred in the amendment of the Senate to the bill—

H. B. 110. To amend section 9 of the act to incorporate the town of Guntersville in Marshall county—yeas 74, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Betts, Billingslea, Boger, Boykin, Bradford, Brooks, Caldwell, Cochrane, Cooper, Curtis, Clark of Conecuh, Critcher, Crutcher, Dark, Davis Dolive, Evans, Fonville, Foshee, Foster of Barbour, Gilbert, Griggs, Haigler, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Patton, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood—74.

## SPECIAL ORDER.

The hour of 11 o'clock having arrived the House proceeded to the consideration of the special order for this hour, viz: the bill—

H. B. 196. To regulate the levying, assessing, collecting, keeping and disbursing the special taxes of the several counties and municipal corporations of the State.

Mr. Muldon moved to amend by way of a substitute for section 6.

The amendment was adopted and the bill ordered to a third reading forthwith, read the third time and passed—yeas 69; nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Ash, Barnett, Betts, Billingslea, Boger, Boykin, Bradford, Brooks, Caldwell, Cochrane, Cooper, Curtis, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Fletcher, Gilbert, Griggs, Haigler, Hearn, Heacock, Hughes, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Massey, Muldon, McCane, McCarron, Nettles, Owens, Patton, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Steele, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams—69.

Mr. Betts submitted the following

## REPORT OF THE SPECIAL COMMITTEE ON JOINT RESOLUTIONS.

*Mr. Speaker:*

The joint committee under the resolution raising a joint committee to prepare certain rules, recommend the following joint rules to be adopted by each house:

1. Upon the reception of a message from either house notifying the other of the originating and passing of bills, the secretary or clerk, as the case may be, shall, immediately after the message is read, proceed to read the bills by their titles, unless the reading be called for by some member, in which event the bill shall be read at length, and it shall be ordered forthwith to a second reading. The House or Senate, as the case may be, shall then proceed with the business upon which it was engaged when the message was received.

2. When House or Senate bills are signed by the Speaker or President of the Senate, thereupon the clerk or secretary,

as the case may be, shall notify the other house, and request the signature of the presiding officer to the same; and as soon as the message is read, the presiding officer shall immediately sign the bills in the presence of the House or Senate, as prescribed by the constitution.

3. That no local or special bill shall be introduced into either house unless the member who introduces it discloses at the time the fact that the notice required by the constitution and laws has been given, and submits the proof thereof with the bill.

W. G. LITTLE, JR.,  
President Senate.

D. S. TROY,  
of Senate.

DAVID CLOPTON,  
Speaker of House.

H. A. WOOLF,  
E. C. BETTS,  
of House.

On motion of Mr. Muldon—

The report was adopted, and 150 copies of the rules reported were ordered printed for the use of the House and Senate.

Mr. Akers, from special committee on mines, reported a bill—

H. B. 411. Providing for the safety and health of persons employed in coal mines in this State—

Which was read once and 150 copies ordered printed.

By leave, Mr. Foster of Barbour—

From the committee on education, reported a substitute for the bill—

H. B. 15. To organize and regulate a system of public instruction for the State.

The further consideration of the report was postponed and made the special order for 12 M. January 17, 1879.

It was further ordered that 300 copies of the substitute be printed.

By leave, Mr. Lowther—

From the committee on accounts and claims, reported a substitute for the bill—

H. B. 373. To authorize the auditor to draw his warrant in favor of J. D. Hudson, doorkeeper of the House, for furniture, repairs, &c., furnished the House.

The substitute was adopted and the bill ordered to a third

reading forthwith, read the third time and passed, and ordered to be sent to the Senate without engrossment.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Conecuh, Clark of Mobile, Criteher, Crutcher, Dark, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Fletcher, Gilbert, Griggs, Haigler, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Muldon, McCane, McCarron, McIlwain, Nettles, Owens, Patton, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Steele, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Wood.

Nays—0.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,

December 7, 1878.

*Mr Speaker :*

The Senate has concurred in the report of the joint committee on rules.

The Senate has originated and passed the following bill, and ordered the same to be sent to the House forthwith without engrossment :

s. 140. To provide for summary judgments in favor of the auditor against delinquent tax payers and judges of probate.

W. L. CLAY,

Secretary of Senate.

The bill just received—

s. 140—

Was read once, and ordered to a second reading on tomorrow.

#### CALL OF THE COUNTIES.

On the call of the counties bills were introduced—

By Mr. Smith of Autauga (with petition, &c.)—

H. B. 412. To amend section 3 of an act to incorporate Ivy Creek academy, in the county of Autauga.

By Mr. Foster of Barbour—

H. B. 413. To regulate the fees of constables in Barbour county.

By Mr. Lyons—

H. B. 414. For the preservation of game animals and birds in the county of Escambia.

Also,

H. B. 415. To amend section 2 of an act to consolidate the offices of circuit clerk and tax assessor in and for the county of Escambia, approved Feb. 9, 1877.

By Mr. Akers of Jefferson—

H. B. 416. To provide for the conveyance of convicts to the penitentiary.

By Mr. Betts—

H. B. 417. To reduce the fees in the chancery court of Madison county, and to fix the pay of the register thereof.

Also,

H. B. 418. For the relief of J. K. McBride, tax collector of Lawrence county.

By Mr. Muldon—

H. B. 419. To authorize the redemption of lands or real estate sold for taxes, and purchased by, or in the name of, the State.

By Mr. Speaker (Mr. Ralls in the chair)—

H. B. 420. To authorize the reporter of the supreme court to appoint and employ, at his own expense, assistants to aid in the preparation of reports.

By Mr. Sharpe—

H. B. 421. To amend section 1 of an act to form the new county of Cullman out of portions of Blount, Winston and Morgan, and to provide for the organization of said county, approved January 24, 1877.

By Mr. Fuller—

H. B. 422. For the relief of certain tax-payers, and to raise revenue.

By Mr. Huey—

H. B. 423. To authorize the "board of directors of the State Normal School and University for the colored race," at Marion, Perry county, to appropriate and expend certain educational funds in their hands, to the repairing, improving and enlarging of the buildings of said Normal School and University.

By Mr. Barnett—

H. B. 425. To repeal an act to repeal all laws authorizing the collection of a special tax for the purpose of building bridges, so far as the same relates to the county of Pike.

By Mr. Hearn—

H. B. 426. For the relief of H. R. D. Treadwell, of Randolph county.

By Mr. Campbell—

H. B. 427. For the relief of John P. Timberlake, John F. Anderson, and William M. Cowdon, of Jackson county.

By Mr. Taylor of Choctaw—

H. B. 428. To prevent camp-hunting in Choctaw county.

Which bills were severally read once and ordered to a second reading on to-morrow.

Mr. Willett introduced—

H. B. 424. Joint resolution recommending government aid to build a Southern transcontinental railway.

Mr. Muldon moved to refer the resolution to the committee on federal relations.

Mr. Waller moved to lay the resolution on the table.

The latter motion was agreed to.

Mr. Bowdon offered joint resolution providing for printing of 300 copies of the testimony in the matter of the swamp and overflowed lands;

Which was adopted.

Mr. Dolive presented petition and counter petition in regard to the sale of liquors at Battle's wharf, Baldwin county.

Referred to committee on temperance.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Williams, from the committee on privileges and elections, reported adversely to the bill—

H. B. 33. To repeal article two, chapter one, title six, part first, of the Code.

Mr. Boger moved that the House do not concur.

Lost.

And the report was concurred in.

Also, from the same committee, reported favorably to the bill—

H. B. 195. For the relief of Charles E. Garwood and Mary J. Garwood.

The bill was ordered to a third reading, read the third time and passed—yeas 69, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Caldwell, Campbell, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Crutcher, Dark, Davis, Dolive, Fonville, Foshee, Fuller, Fletcher, Gil-



bert, Griggs, Haigler, Hearn, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lee, Legg, Lowther, Lyons, Massey, Molett, McCane, McCarron, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Reynolds, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Wood—69.

Nay—Mr. Lawrence—1.

# MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,  
MONTGOMERY, ALA., Dec. 7, 1878.

*Mr. Speaker:*

The governor has approved the following bills, which originated in the House:

H. B. 80. To make Samuel H. Striplin a citizen of Clay county, being a liner between Cleburne and Clay counties;

H. B. 92. To amend section 739 of the Code;

H. B. 37. To authorize the court of county commissioners for the county of Madison to issue new bonds to pay off bonds of said county, which are now outstanding and will fall due January 1, 1880, and to levy a special tax to pay the interest on said bonds;

H. B. 93. To amend section 3496 of the Code;

H. B. 1. To repeal an act to amend the ninth section of an act to incorporate the town of Tuskegee, in the county of Macon, and for other purposes, and to re-enact said ninth section, with an amendment;

H. B. 168. To repeal an act entitled an act to incorporate the town of Dadeville, in Tallapoosa county, Alabama, approved March 6, 1871;

H. B. 244. To change the line between the counties of Jefferson and Shelby.

Respectfully,

THOS. H. REYNOLDS,  
Recording Secretary.

Mr. Ralls, from the committee on counties and county boundaries, reported in behalf of a majority of said committee, favorably, with amendments, to the bill—

H. B. 26. To form a new county to be called Clanton.  
First amendment—

In section one, at the word "four," add "until said line reaches within one mile of the centre of the town of Dayton, thence due east until it reaches range line between four and five, thence due south two miles, thence due west until it reaches the section line, thence."

Second amendment—

Amend section six by way of a substitute.

Mr. Bradford submitted the following minority report:

The undersigned, a minority of the committee on counties and county boundaries, beg leave to dissent from the majority of said committee, in reporting favorably on a bill entitled an act to form a new county to be called Clanton, out of portions of the present counties of Dallas, Perry, Wilcox and Marengo. And we, the minority of said committee, respectfully report adversely to said bill, and recommend that the same do not pass this House.

All of which is respectfully submitted,

T. H. BRADFORD,  
JOHN W. PURIFOY,  
JAMES CRITCHER.

Mr. Waller moved to postpone the further consideration of the bill and the reports until Monday next, 11 A. M., and make them the special order for that hour.

Mr. Davis named 16th January, 1879.

The longest time being first put was lost;

And the motion of Mr. Waller was agreed to.

Mr. Ralls, from the same committee, reported favorably, with amendment, to the Senate bill—

s. 32. To change the boundary line between the counties of DeKalb and Jackson.

On motion of Mr. Campbell, the further consideration of the bill and the report was postponed and made the special order for 11 A. M., 16th January, 1879.

Mr. Ralls, from the same committee, reported favorably to the bill—

H. B. 293. To amend section 751 of the Code.

Mr. Clark of Mobile, moved to amend by inserting "pencil" before the word "copies."

Lost.

And the bill was ordered to a third reading forthwith, read the third time and passed—yeas 81, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Bradford, Brooks, Caldwell Campbell, Coch-

rane, Cooper, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, McCane, McCarron, McDougald, McIlwain, Nettles, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood—81.

Mr. Pearson, from the committee on public roads and highways, reported favorably, with amendment, to the bill—

H. B. 180. To amend section 1630 of the Code of 1876. Amend by inserting after the word "all," in section one, the words "licensed or ordained."

The amendment was adopted.

Mr. Armstrong moved to amend by striking out 18 and inserting 16.

Lost.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 53, nays 27.

Yeas—Messrs. Speaker, Armstrong, Ash, Barnett, Bradford, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of C, Clark of Mobile, Davis, Dawson, Dolive, Fonville, Foshee, Foster of Barbour, Fuller, Gilbert, Griggs, Haigler, Heacock, Huey, Hutto, James, Jolley, Kennedy, Lawrence, Lee, Legg, Lowther, Massey, Molett, Muldon, McCarron, McDougald, Patton, Pearson, Pitts, Ralls, Reynolds, Riley, Rushing, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams—53.

Nays—Messrs. Akers of Jefferson, Akers of Marion, Alexander, Bailey, Betts, Billingslea, Boger, Boykin, Critcher, Crutcher, Dark, Fletcher, Hearn, Hughes, Jack, Kirkpatrick, Lyons, Martin, McCane, McIlwain, Nettles, Purifoy, Ramsey, Sanders of Lamar, Sanders of Madison, Sharpe, Wood—27.

Mr. Boykin, from the committee on appropriations, reported a substitute for the bill—

H. B. 169. For the relief of maimed soldiers.

Mr. Fonville moved to amend by adding the following at the close of section 2:

Provided, the benefits of this act shall not extend to any one who is now holding any office of profit within this State.

On motion of Mr. Betts, the further consideration of the bill and report was postponed, and made the special order for 12 M., January 21, 1879, and 200 copies of the substitute ordered printed.

Mr. Boykin submitted the following report, which was concurred in :

*Mr. Speaker:*

The committee on appropriations, to which was referred the—

H. B. 268. To be entitled an act to authorize the Governor to purchase and distribute 600 copies of Berney's Hand-book of Alabama, and to make an appropriation therefor ;

Have had the same under consideration, and instruct me to report adversely to the same.

I am further instructed by the committee to say, in connection with this report, that, although constrained to report adversely on this bill, it recommends the book as a valuable one. It has the official endorsement of the State geologist, and others who assisted in its compilation. It is accompanied by a fine geological map of the State, prepared by the State geologist, who has, also, an article in it fully illustrative of the geology and mineral resources of the State. And your committee is of opinion that, if the State of Alabama had some organized system of immigration in operation, this book would be a valuable adjunct in the hands of its agents, and, under those circumstances, it might be influenced to report differently. It finds itself compelled, for the sake of expediency and economy, to report adversely at present.

Respectfully, etc.,

F. BOYKIN, Jr., Chairman.

#### RECONSIDERATION.

On motion of Mr. Boger, the vote by which the bill—

H. B. 86. To regulate the number of persons drawn to serve as grand and petit jurors for the counties of Fayette and Lamar, and other counties herein named ;

Passed on yesterday,

Was reconsidered.

As also the vote ordering the bill to a third reading.

Mr. Boger moved to amend section 1, by way of a substitute.

The amendment was adopted ;

And the bill ordered to a third reading forthwith, read the third time, and passed—yeas 82; nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Billingslea, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochran, Cooper, Curtis, Clark of Mobile, Crutcher, Dark, Davis, Dawson, Dolive, Evans, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Martin, Massey, Molett, Muldon, McCane, McDougald, McIlwain, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood—82.

Nay—Mr. Critcher—1.

#### REPORTS RESUMED.

Mr. Boykin, from the committee on appropriations, reported favorably, with amendment, to the bill—

H. B. 310. Making an appropriation for the benefit of the supreme court library.

Amend by striking out "twenty-five hundred dollars," and inserting "fifteen hundred dollars," in section 1.

The amendment was adopted;

And the bill ordered to a third reading forthwith, read the third time, and passed—yeas 43, nays 35.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Barnett, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochran, Cooper, Clark of Mobile, Dolive, Foster of Barbour, Griggs, Haigler, Hutto, Jolley, Kirkpatrick, Lowther, Martin, Massey, Molett, Muldon, McCane, McCarron, McDougald, Patton, Pearson, Purifoy, Ramsey, Reynolds, Riley, Rushing, Sharpe, Smith of Lowndes, Smith of Mobile, Taylor of Choctaw, Walker, Willett, Williams, Wood—45.

Nays—Messrs. Alexander, Betts, Boger, Bowdon, Curtis, Critcher, Crutcher, Dark, Davis, Dawson, Evans, Fonville, Foshee, Fuller, Fletcher, Gilbert, Hearn, Heacock, Hughes, Huey, Jack, Kennedy, Lawrence, Lee, Legg, Lyons, McIlwain, Pitts, Sanders of Lamar, Sanders of Madison, Sheid, Smith of Autauga, Steele, Taylor of Lauderdale, Thompson—35.

Mr. Purifoy, from the committee on agriculture and commerce, reported favorably to the bill—

H. B. 52. To amend section 1586 of the Code.

Mr. Lawrence moved to amend by striking out "three," in sixth line of section 1, and inserting "two."

The amendment was adopted ;

And the bill was ordered to a third reading forthwith, read the third time, and passed—yeas 78, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Bailey, Barnett, Betts, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Mobile, Crutcher, Dark, Davis, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Lowther, Lyons, Martin, Massey, Muldon, McCane, McCarron, McDougald, McIlwain, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood—78.

Nay—Mr. Boger—1.

Mr. Purifoy, from same committee, reported favorably to the Senate bill—

s. 80. To repeal an act to prohibit fishing in the Coosa river, or its tributaries, with nets or seines, approved March 9, 1871.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 86, nays 3.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Betts, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Conecuh, Critcher, Crutcher, Dark, Davis, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCarron, McDougald, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Wood—86.

Nays—Messrs. Lawrence, McCane, McIlwain.

Mr. Purifoy, from the same committee, reported back the bill—

H. B. 53;

And Mr. Waller, by leave, withdrew the bill.

Leave of absence was granted—

To Mr. Willet, for Monday and Tuesday, on account of sickness in his family;

To Mr. Foster of Macon, for to-day, on account of sickness;

To Mr. Register for to-day;

And to Mr. Davis for next Monday and Tuesday.

Mr. Bradford, from the special committee on game laws, reported favorably to the bill—

H. B. 155. To prevent camp hunting in the county of Escambia.

Pending its consideration, the House, on motion of Mr. Lyons, adjourned until Monday morning 10 o'clock.

## TWENTY-THIRD DAY.

HOUSE OF REPRESENTATIVES,  
MONDAY, December 9, 1878.

The House met pursuant to adjournment.

Prayer by Rev. Dr. Ralls, of the House.

On the call of the roll, the following members answered to their names:

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Campbell, Cochran, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McDougald, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sheid, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Wood, Woolf, Winn—87.

Journal of Saturday read and approved.

Leave of absence was granted Messrs. Clark of Conecuh and Reynolds for to-day and to-morrow.

ENROLLED BILLS SIGNED.

Mr. Fletcher—

From the committee on enrolled bills—

Reported as correctly enrolled, the following bills—

And the Speaker, in the presence of the House, immediately after the titles had been publicly read, signed said bills.

H. B. 173. To fix the time for holding the circuit courts of the sixth judicial circuit of Alabama, and to regulate the practice therein.

H. B. 110. To amend section 19 of the act to incorporate the town of Guntersville, in Marshall county.

H. B. 111. To amend the act to incorporate the town of Guntersville, in the county of Marshall.

H. B. 175. To amend an act to incorporate the town of Prattville, approved Feb. 17, 1872.

MESSAGE FROM THE SENATE.

SENATE CHAMBER,

December 9, 1878.

*Mr. Speaker :*

The President of the Senate having signed the following bills, your signature is requested :

s. 19. An act to repeal an act to provide for the collection and distribution of fines and forfeitures in the counties of Clay and Coosa, so far as the same relates to the county of Coosa.

s. 43. An act to amend section 713 of the Code of Alabama.

s. 65. Joint resolution in relation to the Federal tax in the issues of State banks.

s. 141. An act for the relief of the University of Alabama.

s. 87. An act in relation to the bonded debt of Montgomery county.

W. L. CLAY,

Secretary of Senate.

And the Speaker, in the presence of the House, immediately after their titles had been publicly read, signed said bills.



Mr. Akers of Marion moved to reconsider the vote by which the bill—

H. B. 310. For the relief of the supreme court library—

Passed on yesterday.

The motion was lost.

Mr. Akers asked and obtained leave to have his vote recorded in the negative upon the passage of said bill, he having voted in the affirmative.

By leave—

Mr. Taylor, from the committee on local legislation, reported favorably to the Senate bill—

s. 88. To prevent stock from running at large in that part of Dallas county lying west of the Cahaba river and north of the New Orleans & Selma railroad, and north of the public road leading from Martin's Station, through Athens or Liberty Hill, to McKinley's.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 79, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Betts, Billingslea, Boger, Boykin, Bradford, Brooks, Campbell, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Crutcher, Dark, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCarron, McDougald, McIlwain, Nettles, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Wood, Woolf, Winn—79.

By leave—

Mr. Taylor of Choctaw offered joint resolution to authorize the joint committee on report of the commissioner of swamp and overflowed lands to employ a clerk, and for other purposes.

Which was read and adopted, and ordered to be sent forthwith to the Senate.

By leave, bills were introduced as follows:

By. Mr. Sheid—

H. B. 429. To fix the time when the scholastic year shall begin and end, and to define the duties of township trustees.

Also,

H. B. 430. For the relief of widows and maimed men.

By Mr. McDougald—

H. B. 431. To repeal an act therein named, so far as the same applies to the county of Russell.

By Mr. Lawson—

H. B. 432. To amend section 276 of the Code of Alabama.

Also,

H. B. 433. To amend section 274 of the Code of Alabama.

By Mr. Kirkpatrick—

H. B. 434. To provide for the more efficient working of public roads in the county of Montgomery.

By Mr. Muldon—

H. B. 435. To prevent the taking and catching of oysters within the waters of this State by persons who are not residents of the State, and to provide penalties for violations of this act, and proceedings to enforce the same.

Which bills were severally read once and ordered to a second reading on to-morrow.

On motion of Mr. Waller, the vote by which—

H. B. 180. To amend section 1630 of the Code of 1876—

Passed—

Was reconsidered—

Also,

The vote ordering the bill to a third reading.

Amendments were offered exempting various counties, when,

On motion of Mr. Lawson—

The bill was laid on the table.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,

December 9, 1878.

*Mr. Speaker :*

The Senate has originated and passed the following bills :

s. 45. To regulate the fine and forfeiture fund of Montgomery county and the disposal of moneys arising from fines, forfeitures and convict labor.

s. 53. In relation to misrepresentations in obtaining or securing life-policies in insurance companies, and requiring the defendants in actions brought on such policies to return the premiums received, and the interest thereon, to the plaintiffs, in certain cases.

And has passed the following House bills :

H. B. 14. To amend an act entitled an act to incorporate

the town of Greensboro, in the county of Hale, approved March 1, 1870.

H. B. 112. To amend section 3921 of the Code of Alabama, relating to appeals from orders appointing receivers.

H. B. 141. To regulate the manner in which notice is authorized to be given to drawers and endorsers of bills of exchange, endorsers of promissory notes or other instruments of writing, in cities containing ten thousand inhabitants or more, or in any city or town where the United States free postal delivery is in operation.

H. B. 202. To forbid sheriffs appointing coroners as deputy sheriffs.

And has amended as therein shown, and passed the following bills:

H. B. 76. To amend section 3084 of the Code of Alabama.

H. B. 131. To secure the keeping in repair and closing gates erected across public roads.

And has passed house bill—

H. B. 317. To authorize county superintendents of education to disburse certain poll-tax.

W. L. CLAY,  
Secretary.

The Senate bills just received, whose titles are set forth in the above message, were severally read once and ordered to a second reading on to-morrow.

On motion of Mr. Clark of Mobile, the joint resolution—

424. Recommending governmental aid to build a Southern Trans-Continental Railway;

Was taken from the table and referred to the committee on federal relations.

On motion of Mr. Waller, the special order for 11 A. M. viz: the consideration of the report of committee on counties and county boundaries to the bill,

H. B. 26. To form the new county of Clanton, was further postponed and made the special order for 17th January, 1879, 11 A. M.

Mr. Waller moved that the House adjourn to-day, at one P. M. and meet again at 3 P. M.

Agreed to.

By leave Mr. Woolf offered the following resolution, which was adopted:

*Resolved*, That the committee on the State capitol, be and they are hereby requested to estimate the amount of appro-

priation necessary for the repairing of the State House, and report to this House as early as possible.

By leave Mr. Ash introduced—

H. B. 436. Joint resolution and memorial to congress, asking that the public lands in Alabama be granted in aid of popular education;

Which was read and adopted.

#### BILLS ON SECOND READING.

The bill—

H. B. 413. To regulate the fees of constables in Barbour county.

H. B. 415. To amend section 2 of an act to consolidate the offices of circuit clerk and tax assessor in and for the county of Escambia, approved February 9, 1877.

H. B. 417. To reduce the fees in the chancery court of Madison county, and to fix the pay of the register thereof.

Were severally read the second time and referred to the committee on fees and salaries.

The bill—

H. B. 414. For the preservation of game animals and birds in the county of Escambia.

H. B. 423. To prevent camp hunting in Choctaw county, in certain cases.

Were severally read the second time and referred to the select committee on game laws.

The bill —

H. B. 416. To provide for the conveyance of convicts to the penitentiary.

Was read the second time and referred to committee on the penitentiary.

The bills—

H. B. 418. For the relief of J. K. McBride, tax collector of Lawrence county

H. B. 419. To authorize the redemption of lands or real estate, sold for taxes and purchased by or in the name of the State.

And the Senate bill—

s. 140. To provide for summary judgments against defaulting tax collectors, &c.

Were severally read the second time and referred to the committee on ways and means.

The bill—

H. B. 421. To amend section one of an act to form the new

county of Cullman, out of portions of Blount, Winston and Morgan, and to provide for the organization of said county, approved January 24, 1877.

Was read the second time and referred to the committee on counties and county boundaries.

The bill—

H. B. 411. Providing for the safety of persons employed in coal mines in this State.

H. B. 420. To authorize the reporter of the supreme court to appoint and employ, at his own expense, assistants to aid in the preparation of the reports.

H. B. 422. For the relief of certain tax payers and to raise revenue.

Were severally read the second time and referred to the judiciary committee.

The bill—

H. B. 423. To authorize the board of directors of the State Normal School and University for the colored race at Marion, Perry county, to appropriate and expend certain educational funds in their hands to the repairing, improving and enlarging of the buildings of said Normal School and University.

Was read the second time and referred to the committee on education.

The bills—

H. B. 412. To amend section three of an act to incorporate Ivey creek Academy in the county of Autauga.

H. B. 425. To repeal an act to repeal all laws authorizing the collection of a special tax for the purpose of building bridges, so far as the same relates to the county of Pike.

Were severally read the second time and referred to the committee on local legislation.

The bill—

H. B. 427. For the relief of John P. Timberlake, John F. Anderson and William M. Cowan, of Jackson county,

Was read the second time and referred to the committee on appropriations.

By leave, Mr. Hearn withdrew the bill—

H. B. 426. For the relief of H. R. D. Treadwell, of Randolph county.

By leave, Mr. Nicholson, from the committee on penitentiary, reported favorably, to the Senate bill—

s. 111. To amend section 4541 (3840) of the Code.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 68, nays 8.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Ma-

rion, Armstrong, Ash, Bailey, Barnett, Bowdon, Brooks, Campbell, Cochrane, Cooper, Culver, Curtis, Critcher, Dark, Davidson, Dawson, Dolive, Evans, Fonville, Foster of Barbour, Foster of Macon, Fuller, Griggs, Hand, Hearn, Heacock, Hughes, Hutto, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Martin, Massey, Muldon, McCarron, McIlwain, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Williams, Wood, Woolf—68.

Nays—Messrs. Betts, Boger, Crutcher, English, Foshee, Lawson and Sanders of Madison—8.

#### SENATE BUSINESS.

The House concurred in the amendment of the Senate to the bill—

H. B. 76. To amend section 3084 of the Code of Alabama—yeas 79, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Campbell, Cochrane, Cooper, Culver, Curtis, Critcher, Crutcher, Dark, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Hand, Hearn, Heacock, Hughes, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Molett, Muldon, McCarron, McDougald, McIlwain, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Thompson, Walker, Waller, Williams, Wood, Woolf—79.

By leave, Mr. Bowdon, from committee on temperance, reported favorably, to the bill—

H. B. 47. To prevent the sale, giving away, or otherwise disposing of spirituous, vinous or other intoxicating liquors in one mile of the Baptist church, in the town of Victoria, Coffee county.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 76, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger,

Bowdon, Bradford, Brooks, Campbell, Cochrane, Cooper, Culver, Clark of Mobile, Critcher, Dark, Davidson, Dawson, Dolive, Evans, Fonville, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, McCarron, McDougald, McIlwain, Nettles, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sheid, Smith of Autauga, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Williams, Wood, Woolf, Winn—76.

Also, from same committee, reported favorably, to the bill—

H. B. 73. To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous, or malt liquors within two miles of Milltown Academy, in Milltown, Chambers county, Alabama.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 71, nays 1.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Bowdon, Boykin, Bradford, Cochrane, Cooper, Culver, Clark of Mobile, Critcher, Dark, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Riley, Sanders of Lamar, Sanders of Madison, Sheid, Smith of Autauga, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Williams, Wood, Woolf, Winn—71.

Nay—Mr. Hearn—1.

Also, from same committee, reported favorably, to the Senate bill—

s. 39. To prohibit the granting of license and sale of spirituous liquors within five miles of West Bend Academy and church in Clarke county, Alabama.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 57, nays 23.

Yeas—Messrs. Speaker, Akers of Jefferson, Alexander, Armstrong, Ash, Barnett, Billingslea, Boger, Bowdon, Bradford, Brooks, Cochrane, Cooper, Culver, Dark, Davidson, Dawson, Foster of Barbour, Foster of Macon, Fuller, Griggs, Hand, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg,

Lowther, Martin, Massey, Molett, McCarron, McDougald, McIlwain, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Smith of Autauga, Smith of Lowndes, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Williams, Wood, Woolf—57.

Nays—Messrs. Bailey, Campbell, Curtis, Clark of Mobile, Crutcher, Dolive, Fonville, Foshee, Fletcher, Gilbert, Hearn, Hughes, Hutto, James, Jolley, McCane, Nettles, Sheid, Smith of Mobile, Steele, Stribling, Waller and Winn—23.

#### SPECIAL ORDER FOR 12.

The special order for this hour, viz.:

s. 48. Joint resolution instructing our senators and representatives to urge the enactment of laws limiting jurisdiction of U. S. courts in suits against municipal corporations ;

Was taken up,

And on motion of Mr. Smith of Mobile, postponed until 10½ to-morrow morning and made the special order for that hour.

Leave of absence was granted Mr. Owens for to-day and to-morrow.

#### MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,  
Montgomery, Ala., Dec. 9, 1878.

*Mr. Speaker :*

The governor has approved the following bills which originated in the House :

H. B. 175. To amend an act to incorporate the town of Prattville, approved February 17, 1872 ;

H. B. 110. To amend section 19 of an act to incorporate the town of Guntersville, in Marshall county ;

H. B. 111. To amend an act to incorporate the town of Guntersville, in the county of Marshall ;

H. B. 173. To fix the time for holding the circuit courts of the sixth judicial circuit of Alabama, and to regulate the practice therein.

Respectfully,  
THOS. H. REYNOLDS,  
Recording Secretary.



Mr. Bowden, from the committee on temperance, reported favorably, to the bill—

H. B. 348. To prevent the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, within that portion of the city of Wetumpka which is on the west side of the Coosa river.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 76, nays 6.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Bowdon, Boykin, Bradford, Brooks, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Dark, Davidson, Dawson, Dolive, Foshee, Foster of Barbour, Foster of Macon, Fuller, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Hutto, Jack, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Martin, Massey, Molett, McCarron, McDougald, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Chocotaw, Taylor of Lauderdale, Thompson, Walker, Waller, Williams, Wood, Woolf—76.

Nays—Messrs. Crutcher, Fonville, James, Jolley, Lyons and Winn—6.

Also, from the same committee, reported favorably, to the bill—

H. B. 176. To regulate the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, within the corporate limits of the town of Prattville, in the county of Autauga.

Mr. Betts moved to amend as follows: Add at the close of section 3—

“5. *Provided*, That nothing herein contained shall exempt any person, firm or corporation from paying the State and county licenses for selling vinous, spirituous or malt liquors, as now provided by law.”

Which was adopted, and—

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 78, nays 2.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Bowdon, Boykin, Bradford, Brooks, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Crutcher, Dark, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gil-

bert, Griggs, Hand, Hearn, Hughes, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawson, Lee, Legg, Lowther, Martin, Massey, Molett, McCane, McCarron, McDougald, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sheid, Smithof Antauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Thompson, Walker, Waller, Williams, Wood, Woolf, Winn—78.

Nays—Messrs Lawrence and Ralls—2.

Leave of absence was granted Mr. Owens for to-morrow.

#### REPORTS RESUMED.

Mr. Bowdon, from the committee on temperance, reported adversely to the bill—

H. B. 335. To prevent the employment of minors by retail liquor dealers in this State.

Mr. Woolf moved that the House do not concur.

Pending its consideration—

The hour of 1 o'clock arrived, when the House, under the resolution adopted, stood adjourned until 3 P. M.

#### EVENING SESSION.

December 9th.

The House reassembled at the hour of 3 P. M.—

And proceeded with the consideration of the adverse report to the bill—

H. B. 335. To prevent the employment of minors by retail liquor dealers in this State.

The question pending being—

The motion of Mr. Woolf that the House do not concur in the report.

Mr. Woolf withdrew the motion.

The House refused to concur in the adverse report.

Mr. Clark of Mobile moved to amend as follows:

Strike out the words "his business," and insert, "the mixing of drinks, or the vending or delivery of liquors to be drunk on the premises, except in regularly licensed restaurants."

Mr. Griggs moved to amend by adding—

"Without the consent of the parent or guardian, or other person having the care or charge of such minor."

Amendments were offered to exempt certain counties from the operation of the act.

Mr. Riley moved to lay the bill and amendments on the table.

Lost—yeas 36, nays 45.

Yeas—Messrs. Billingslea, Bowdon, Boykin, Brooks, Curtis, Dark, Dolive, Evans, Fonville Foshee, Fuller, Hearn, Heacock, Hughes, Hutto, James, Jolley, Kirkpatrick, Lyons, Massey, Molett, Muldon, McCane, McCarron, Nettles, Nicholson, Patton, Reynolds, Riley, Rushing, Sanders of Lamar, Sheid, Smith of Autauga, Taylor of Choctaw, Thompson, Waller, Winn—36.

Nays—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Betts, Boger, Bradford, Campbell, Cochrane, Cooper, Culver, Clark of Mobile, Critcher, Davidson, Dawson, Foster of Barbour, Fletcher, Gilbert, Griggs, Hand, Huey, Jack, Kennedy, Lawrence, Lawson, Lee, Legg, Lowther, McIlwain, Pearson, Pitts, Purifoy, Ralls, Sanders of Madison, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Lauderdale, Walker, Williams, Wood, Woolf—45.

Mr. Smith of Mobile—

Moved to recommit the bill, with the proposed amendments, to the committee on temperance.

Agreed to.

On motion of Mr. Lyons, the vote by which Senate bill—s. 140. To provide for summary judgments in favor of the auditor against delinquent tax collectors and judges of probate—

Was referred to the judiciary committee, was reconsidered, and the bill referred to the committee on ways and means.

Mr. Lyons—

From the committee appointed to examine the offices of auditor and treasurer, submitted the following report—

Which, on motion of Mr. Lyons—

Was referred to the committee on ways and means, and 150 copies ordered printed.

Mr. Lyons, from the committee to examine the offices of the treasurer and auditor, submitted the following report, and it was referred to the committee on ways and means, and 150 copies ordered printed:

*Messrs. President of the Senate and Speaker of the House:*

The joint committee to examine the offices of auditor and treasurer have performed the duties as directed by section 35

of the Code of Alabama, and hereby report as required by section 36 :

1. That for the preceding fiscal year there was received into the State treasury the sum of seven hundred and eighteen thousand two hundred and twenty-eight dollars and thirty-six cents (718,228 36).

2. That on warrants drawn by the auditor there was paid out of the treasury, for the same period, the sum of six hundred and fifty-one thousand three hundred and forty-five dollars and nine cents (\$651,345 09).

3. That they have examined, separately, each warrant, certificate and receipt in both offices, in all several thousand papers, in the light of the laws by virtue of which they were issued, and compared them with the books in which they were entered, as carefully as, with their limited time and the excessive labor devolved on them, it was possible to do, and they report that these papers were correctly entered on the books of the office, and, as well as they could determine, drawn in conformity with the laws of the State.

4. That the State treasurer entered upon the discharge of his duties on the 1st day of December, 1878.

5. That by an accurate count of the money and funds they find that the treasurer had received up to the time of examination, to-wit, the 7th day of December, 1878—

Swamp land fund	{ Patton money.....	\$ 21,340 00
	{ Currency.....	2,817 56
Uncurrent money.....		2,351 00
Certificate Northern Bank of Alabama.....		35 05
Gold.....		200 00
Silver.....		692 70
State obligations.....		33,360 00
Currency.....		194,689 45
Patton money received for taxes.....		485 00
Patton money (express package).....		3,000 00

6. That the balance in the treasury on the 1st day of November, 1878, was—

Swamp land fund	{ Patton money.....	\$ 21,340 00
	{ Currency.....	2,817 56
Uncurrent money.....		2,351 00
Certificate Northern Bank of Alabama.....		35 05
Gold.....		200 00
Silver.....		692 00
State obligations.....		32,960 00
Currency.....		168,048 44
Patton money.....		85 00

7. That at the time of the examination and counting, to-wit, the 7th day of December, 1878, the moneys and securities in the treasury are those set out above in section 5 of this report.

8. That the committee report favorably of the condition of the offices, and the condition of the books and accounts kept therein, but, with regard to the office of the auditor, make the following recommendations:

1. That a limitation, say of two years, be placed on the time for presentment of the auditor's warrants at the office of the treasurer.

2. That the auditor procure for his office a better docket than the one now in use, in which all suits commenced by him against defaulters shall be entered, which docket shall show in full the history of said suits, and particularly when and how long pending; the amounts and time of judgments and payments, and when and how settled.

3. That the General Assembly amend section 5044 of the Code of Alabama, by enacting a form of oath to be taken by clerks and sheriffs in making certificates of fees payable to the sheriff in cases where executions are returned "no property found," so that there may be equality and uniformity in these accounts in the different counties, and so that no such fees shall be allowed in cases where there is entered up a verdict of "not guilty," unless there shall have been an actual trial and acquittal instead of a formal verdict.

4. That as required by the act of the General Assembly, to ratify and confirm the State indebtedness, approved February 23, 1876, and by subdivision 4 of section 85 of the Code of Alabama, the auditor procure a well bound book, in which he shall make a full registry of State bonds, and "keep an account of all State bonds issued and paid, and of all interest paid."

5. That the auditor publish, annually hereafter, on or about the 1st day of June, as required by subdivision 14 of section 85 of the Code, a list of defaulters to the State, whose accounts have remained due and unpaid for one year.

The committee ask to be discharged.

W. J. WOOD, Ch'm'n Joint Com.  
P. N. DUNCAN,  
G. R. BANKS.

M. LYONS, Ch'm'n House Com.  
A. S. FLETCHER,  
I. F. CULVER.

By leave, bills were introduced—

By Mr. Armstrong—

H. B. 437. For the relief of Caleb N. Williams of Chambers county.

Which was read once, and ordered to a second reading on to-morrow.

Mr. Dolive presented memorial of citizens of Baldwin county in regard to oysters.

Which was referred to the committee on agriculture and commerce.

The House then proceeded with the consideration of the bill—

H. B. 155. To prevent camp hunting in the county of Escambia.

Mr. Riley moved to include Covington county.

“ Foshee, Chilton county.

“ Lyons (by request), Monroe county.

The amendments were severally adopted.

The title was amended to correspond.

And the bill was ordered to a third reading forthwith, read the third time, and lost—yeas 36, nays 38.

Yeas—Messrs. Speaker, Akers of Marion, Bowdon, Bradford, Cochrane, Cooper, Culver, Clark of Mobile, Critcher, Dolive, Fonville, Foshee, Foster of Barbour, Gilbert, Griggs, Heacock, Hutto, Jolley, Kennedy, Kirkpatrick, Lee, Legg, Lowther, Lyons, Massey, McCarron, Nettles, Nicholson, Patton, Pearson, Reynolds, Riley, Smith of Lowndes, Taylor of Choctaw, Woolf—36.

Nays—Messrs. Akers of Jefferson, Armstrong, Ash, Barnett, Betts, Billingslea, Boger, Boykin, Campbell, Crutcher, Dark, Davidson, Dawson, Evans, Fuller, Fletcher, Hand, Hearn, Hughes, Jack, James, Lawrence, Lawson, McCane, McIlwain, Pitts, Purifoy, Ralls, Sanders of Lamar, Sanders of Madison, Sheid, Smith of Autauga, Smith of Mobile, Steele, Thompson, Walker, Waller, Wood—38.

Mr. Lawson gave notice of a motion to reconsider the vote just taken.

Mr. Bradford, from the select committee on game laws, reported favorably to the bill—

H. B. 250. To prevent the obstruction of fish from running up Choctawhatchie river.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 65, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Betts, Billingslea,

Boger, Bowdon, Boykin, Bradford, Campbell, Cochrane, Culver, Clark of Mobile, Dark, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Hutto, Jack, James, Jolley, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Massey, Molett, McCane, McCarron, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Reynolds, Riley, Sanders of Lamar, Sanders of Madison, Sheid, Smith of Autauga, Steele, Walker, Waller, Williams, Woolf, Winn—65.

Mr. Bradford, from same committee, reported favorably to the bill—

H. B. 279. To prevent camp hunting in the county of Washington.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 72, nays 2.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers, of Marion, Alexander, Armstrong, Ash, Barnett, Betts, Boger, Bowdon, Boykin, Bradford, Campbell, Cochrane, Cooper, Culver, Clark of Mobile, Critcher, Crutcher, Dark, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Molett, McCane, McCarron, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Reynolds, Riley, Sanders of Lamar, Sanders of Madison, Sheid, Smith of Autauga, Taylor of Choctaw, Taylor of Lauderdale, Walker, Waller, Williams, Woolf, Winn—72.

Nays—Messrs. Steele and Thompson—2.

Mr. Ralls, from special committee, reported favorably to the Senate bill—

s. 156. To amend an act to fix the time of holding the circuit courts of the 12th judicial circuit of Alabama, approved December 14th, 1876.

Mr. Alexander moved to amend as follows:

Strike out all after the words "In the county of Cleburne," and add "On the second Monday in March and September and continue one week, but if the business requires it, the court may hold two weeks, and in that event the court may order a jury summoned from the bystanders for the second week.

"In the county of Calhoun, on the fourth Monday in March and September and continue two weeks.

"In the county of Etowah, on the second Monday in April and October and continue two weeks."

Mr. Foster of Barbour, moved that the bill, with the amendment, be re-committed to a select committee composed of one from each county in the 12th judicial circuit.

Agreed to.

Committee: Messrs. Ralls, Ash, Lawrence, Alexander and Sheid.

By leave,

Mr. Waller, from the committee on corporations, reported favorably to the Senate bill—

s. 71. To incorporate the Brunswick & Albany railroad company, and to authorize the said company to extend their road from the western bank of the Chattahoochee river into the corporate limits of the city of Eufaula.

On motion of Mr. Foster of Barbour, further consideration of the bill was postponed till to-morrow at 12 M., and made the special order for that hour.

Mr. Waller, from same committee, reported favorably, with amendments, to the Senate bill—

s. 7. To amend an act to amend section 12 of an act to establish a new charter for the town of Union Springs, Alabama, approved February 1st, 1876.

Amend. by striking out on page three, line sixteen, the word "seven" and by inserting in lieu thereof the word "one."

Amend by striking out on page three, lines thirty-three and thirty-four, the words "on all goods, or articles, or other property sold at auction, a tax not over one per cent."

The amendments were severally adopted, and on motion of Mr. Woolf, the further consideration of the bill was postponed until to-morrow.

By leave,

Bills were introduced :

By Mr. Stribling—

H. B. 438. To regulate and authorize an election for changing the county seat of Washington county.

By Mr. Wilson—

H. B. 439. To provide a fund for the benefit of the Supreme Court.

By Mr. Nicholson, (with notice, &c.)—

H. B. 440. To repeal an act approved March 9, 1876, to prevent the sale of spirituous, vinous, or malt liquors within five miles of the 19th mile post on the Butler's Mill road, in the county of Montgomery, so far as said act applies to Stacey's Store.

Which bills were severally read once and ordered to a second reading on to-morrow.



Mr. Brooks offered the following, which lies over one day :  
That hereafter, when the Speaker shall put any question to the House and there is no vote given, on either side, upon the theory that silence gives consent, he shall announce that the ayes have it.

On motion of Mr. Woolf, the House adjourned until tomorrow morning at 10 o'clock.

## TWENTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,

Tuesday, December 10, 1878.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Davidson of the House.

Upon the call of the roll, the following members answered to their names :

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Campbell, Cochrane, Cooper, Culver, Clark of Mobile, Critcher, Crutcher, Dark, Davidson, Dawson, Dolive, English, Evans, Fonville, Fosbee, Foster of Barbour, Fletcher, Gilbert, Griggs, Hand, Haigler, Heacock, Hughes, Huey, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Lowther, Lyons, Martin, Massey, Mallett, Muldon, McCane, McDougald, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Thompson, Walker, Waller, Williams, Wood, Woolf, Winn—81.

Journal of yesterday read and approved.

Mr. James moved to reconsider the vote by which the bill passed on yesterday—

H. B. 279. To prevent camp hunting in Washington county, Which, on motion of Mr. Stribling, was laid on the table.

## SENATE BUSINESS.

The House concurred in the amendment of the Senate to the bill.

H. B. 131. To secure the keeping in repair and closing of gates erected across public roads—yeas 73; nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Barnett, Betts, Boger, Bowdon, Boykin, Bradford, Campbell, Cochrane, Cooper, Culver, Clark of Mobile, Critcher, Crutcher, Dark, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fletcher, Gilbert, Griggs, Hand, Haigler, Heacock, Hughes, Huey, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Molett, McCarron, McDougald, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Steele, Stribling, Taylor of Choctaw, Thompson, Walker, Waller, Williams, Wood, Woolf, Winn—73.

#### ENROLLED BILLS SIGNED.

Mr. Fletcher from the committee on enrolled bills, reported as correctly enrolled the following bills;

And the speaker, in the presence of the House, immediately after the titles had been publicly read signed said bills:

H. B. 14. To amend an act to incorporate the town of Greensboro, in the county of Hale, approved March 1st, 1870;

H. B. 141. To regulate the manner in which notice is authorized to be given to drawers and endorsers of bills of exchange, endorsers of promissory notes or other instruments of writing, in cities containing ten thousand inhabitants or more, and in any city or town, where the United States free postal delivery is in operation.

H. B. 202. To forbid sheriffs appointing coroners as deputy sheriffs.

H. B. 347. To authorize county superintendents of education to disburse certain poll-tax.

H. B. 112. To amend section 3921 of the Code of Alabama, relating to appeals from orders appointing receivers.

H. B. 76. To amend section 3084 of the Code of Alabama;

H. B. 131. To secure the keeping in repair and closing gates erected across public roads.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
December 10, 1878.

*Mr. Speaker:*

The President of the Senate having signed the following bills, your signature to the same is requested:

s. 88. To prevent stock from running at large in that part of Dallas county lying west of the Cahaba river and north of the New Orleans and Selma railroad, and north of the public road leading from Martin's station through Athens, or Liberty Hill, to McKinley.

s. 80. To repeal an act to prohibit fishing in the Coosa river, or its tributaries, with nets or seines, approved March 9, 1870.

W. L. CLAY,  
Secretary of Senate.

#### SIGNING SENATE BILLS.

And the Speaker, in the presence of the House, immediately after the titles had been publicly read, signed the said bills.

Mr. Taylor of Choctaw gave notice of a motion to reconsider the vote by which the Senate bill passed—

s. 39. To prohibit the granting of license and sale of spirituous liquors within five miles of West Bend academy and church in Clark county.

And also the vote ordering the bill to a third reading;

And the further consideration of the motion was postponed and made the special order for first Saturday after recess.

#### SPECIAL ORDER.

The hour of 10½ o'clock having arrived, the House proceeded to the consideration of the special order for this hour, viz: the Senate joint resolution,

s. 48. Requesting our senators to urge the enactment of a law limiting jurisdiction of U. S. courts in suits against municipal corporations.

Mr. Speaker (Mr. Woolf in the chair), moved to amend the second paragraph of the preamble by way of a substitute.

The amendment was adopted.

Mr. Smith of Mobile, moved to amend as follows:

In section one, strike out the words "of suits on proceedings," and insert "in proceedings," and add to said section "in the matter complained;" amend the title by striking out the word "instructing" and inserting "requesting;" strike out the words "requesting our;" strike out the word "suits" and insert "certain proceedings."

The amendments were adopted and the resolutions as amended were adopted.

## RECONSIDERATION.

On motion of Mr. Lawson, the vote by which the bill was lost on yesterday—

H. B. 155. To prevent camp-hunting in the counties of Escambia, Covington, Monroe and Chilton ;

Was reconsidered.

Also, the vote ordering the bill to a third reading.

Mr. Lyons moved to amend by way of a substitute, entitled an act to prevent camp-hunting in the county of Escambia.

On motion of Mr. Muldon, the further consideration of the bill was postponed and made the special order for the first Friday after recess.

On motion of Mr. Waller, the bill—

H. B. 180. To amend section 1630 of the Code of Alabama, was taken from the table and recommitted.

## BILLS ON SECOND READING.

The bill—

H. B. 429. To fix the time when the scholastic year shall begin and end, and to define the duties of township trustees ;

Was read the second time and referred to the committee on education.

The bills—

H. B. 438. To regulate and authorize an election for changing the county seat of Washington county ;

H. B. 430. For the relief of widow's and married men.

And the Senate bill—

S. 45. To regulate the fine and forfeiture fund of Montgomery county, and the disposal of moneys arising from fines, forfeitures and convict labor ;

Were severally read the second time and referred to the committee on local legislation.

The bill—

H. B. 431. To repeal an act therein named, so far the same applies to the county of Russell ;

Was read the second time and referred to the committee on fees and salaries.

The bills—

H. B. 432. To amend section 276 of the Code of Alabama ;

H. B. 433. To amend section 274 of the Code of Alabama ;

Were severally read the second time and referred to the committee on privileges and elections.

The bill—

H. B. 434. To provide for the more efficient working of public roads, in the county of Montgomery;

Was read the second time and referred to the committee on public roads and highways.

The bill—

H. B. 435. To prevent the taking and catching of oysters, within the waters of this State, by persons who are not residents of the State, and to provide penalties for violations of this act, and proceedings to enforce the same;

Was read the second time and referred to the committee on agriculture and commerce.

The bills—

H. B. 437. For the relief of Caleb N. Williams of Chambers county;

H. B. 439. To provide a fund for the benefit of the supreme court;

Were severally read the second time and referred to the committee on appropriations.

The bill—

H. B. 440. To repeal an act, approved March 9, 1876, to prevent the sale of spirituous, vinous or malt liquors, within five miles of the 19th mile post, on the Butler's mill road, in the county of Montgomery, so far as said act applies to Stacey's store;

Was read the second time and referred to the committee on temperance.

The Senate bill—

s. 53. In relation to misrepresentations in obtaining or receiving life policies in insurance companies, and requiring the defendants in actions brought on such policies to return the premiums received, and the interest thereon to the plaintiffs in certain cases;

Was read the second time and referred to the committee on corporations.

By leave—

Mr. Brooks withdrew the amendment to the rules offered by him on yesterday.

By leave—

Mr. Lawrence, from the committee on the State capitol, submitted the following report:

The committee on State capitol would respectfully report that they have had the same under investigation. They have estimated the cost of putting down the carpeting for the hall of the House at two hundred and sixty dollars (\$260), and would recommend an appropriation of that amount for said

purpose. And the committee would further suggest that two lamps be erected between the gate and front steps of the capitol, the cost of which they have no means of ascertaining.

JOHN LAWRENCE, Ch'n.

The report was concurred in.

Mr. Woolf moved that Mr. Kirkpatrick have the repairs made to the hall of the House during recess, as proposed in the above report, and also have the two lamps erected;

Which was agreed to.

#### UNFINISHED BUSINESS.

The Senate bill—

s. 7. To amend section 12 of an act to establish a new charter for the town of Union Springs, approved February 1, 1876—

Was ordered to a third reading, read the third time, and passed—yeas 74, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Barnett, Betts, Boger, Bowdon, Bradford, Boykin, Brooks, Campbell, Cochrane, Cooper, Culver, Clark of Mobile, Critcher, Crutcher, Dark, Davidson, Dawson, Dolive, English, Evans, Foshee, Foster of Barbour, Foster of Macon, Fletcher, Gilbert, Griggs, Hand, Haigler, Heacock, Hughes, Huey, Jack, James, Jolley, Kennedy, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Muldon, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Williams, Wood, Woolf, Winn—74.

On motion of Mr. Woolf—

The regular order of business was suspended, for the purpose of allowing the standing committees to report.

#### REPORTS FROM COMMITTEES.

By leave—

Mr. Waller, from the committee on corporations, reported favorably to the Senate bill—

s. 31. To amend subdivision one of section 1933 of the Code.

And the bill ordered to a third reading forthwith, read the third time, and passed—yeas 68, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Alexander, Armstrong, Barnett, Betts, Boger, Bradford, Campbell, Cochran, Cooper, Culver, Clark of Mobile, Critcher, Crutcher, Dark, Davidson, Dawson, Dolive, English, Evans, Foshee, Foster of Barbour, Fletcher, Gilbert, Griggs, Hand, Haigler, Hughes, Huey, Jack, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Williams, Winn—68.

Mr. Woolf, from judiciary committee, reported favorably to the Senate bill—

s. 52. To amend section 699 of the Code of Alabama.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 73, nays 0.

Yeas—Messrs. Speaker, Akers of J., Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Bowdon, Boykin, Bradford, Brooks, Campbell, Cochran, Cooper, Culver, Clark of Mobile, Critcher, Crutcher, Dark, Davidson, Dawson, Dolive, English, Evans, Foshee, Foster of Barbour, Fletcher, Gilbert, Griggs, Hand, Haigler, Heacock, Hughes, Huey, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Muldon, McCane, Nettles, Nicholson, Pearson, Pitts, Purifoy, Ralls, Ramsey, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Williams, Wood, Woolf, Winn—73.

By leave—

Mr. Cochrane offered joint resolution to pay the expenses, &c., of the joint committee to visit the Insane Asylum and State University—

Which was read and adopted.

#### REPORTS RESUMED.

Mr. Woolf, from judiciary committee, reported favorably to the Senate bill—

s. 13. To provide the mode of procedure in cases in which the claim of recoupment of damages is interposed.

On motion of Mr. Clark of Mobile—

The further consideration of the bill was postponed until

16th January, 1879, at 12 M., and made the special order for that hour.

Mr. Woolf, from the same committee, reported favorably, with amendment, to the Senate bill—

s. 2. To regulate the practice in actions on accounts.

Amend as follows :

Strike out all after the word "filed" in twentieth line, and insert in lieu thereof the following :

"The defendant shall appear and file an affidavit denying, to the best of his knowledge, information and belief, the correctness of the account, or that he is liable for the amount due thereon."

The amendment was adopted—

And the bill was ordered to a third reading forthwith, read the third time and passed—yeas 63, nays 4.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Ash, Bailey, Barnett, Boger, Bradford, Brooks, Campbell, Cochrane, Cooper, Culver, Critcher, Crutcher, Dark, Davidson, Dawson, Dolive, Evans, Foshee, Foster of Barbour, Foster of Macon, Fletcher, Gilbert, Griggs, Hand, Haigler, Heacock, Hughes, Huey, Jack, James, Kennedy, Kirkpatrick, Lawrence, Lee, Lowther, Lyons, Massey, Molett, McCane, McCarron, McIlwain, Nettles, Nicholson, Pearson, Pitts, Purifoy, Ralls, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Thompson, Walker, Waller, Wood, Woolf, Winn—63.

Nays—Messrs. Betts, Clark of Mobile, Jolley, Stribling—4.

#### SPECIAL ORDER.

The hour of 12 o'clock having arrived, the House proceeded to the consideration of the Senate bill—

s. 71. To incorporate the Brunswick & Albany railroad company, and to authorize said company to extend their road from the western bank of the Chattahoochie river into the corporate limits of the city of Eufaula.

Mr. Sharpe moved to postpone the further consideration of the bill till January 16th, 1879, and make it special order for 12 M. on that day.

Lost.

Mr. Smith of Mobile moved to amend as follows :

1. Strike out words "or near" in section —, and insert "not exceeding (two) 2 miles from the corporate limits of said city."

2. In section 2, add after "said road," the words "or in-



jured or destroyed by said company, and the assessment of compensation for any right of way shall be made irrespective of any benefit from any improvement proposed by said railroad."

3. In section 3, after words "by reason," insert "of any injury or destruction on."

The amendments were severally adopted—

And the bill ordered to a third reading forthwith, read the third time, and passed—yeas 66, nays 2.

Yeas—Messrs. Akers of J., Akers of M., Alexander, Armstrong, Barnett, Betts, Bowdon, Boykin, Bradford, Campbell, Cochrane, Cooper, Culver, Clark of Mobile, Critcher, Davidson, Dawson, Dolive, Foster of Barbour, Foster of Macon, Gilbert, Griggs, Hand, Haigler, Heacock, Hughes, Huey, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Taylor of Choctaw, Thompson, Walker, Waller, Williams, Wood, Woolf, Winn—66.

Nays—Messrs. Boger and Dark—2.

#### REPORTS RESUMED.

Mr. Woolf, from the judiciary committee, reported favorably to the Senate bill—

s. 118. To amend section 1373 of the Code.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 66, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Barnett, Betts, Billingslea, Boger, Bowdon, Bradford, Brooks, Campbell, Cooper, Culver, Clark of Mobile, Critcher, Crutcher, Dark, Davidson, Dawson, Dolive, Evans, Fletcher, Griggs, Hand, Haigler, Heacock, Hughes, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Patton, Pearson, Purifoy, Ralls, Ramsey, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Mobile, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Williams, Wood, Woolf, Winn—66.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
December 10, 1878.

*Mr. Speaker :*

The Senate has concurred in the following House joint resolutions :

Joint resolution providing for the printing of certain testimony.

Also,

Joint resolution to authorize joint committee on report of commissioner of swamp and overflowed lands to employ clerk, etc.

And has adopted the following joint resolution, and ordered it to be sent forthwith to the House :

Joint resolution to appoint joint committee of three from the two Houses to inquire into the legislation necessary to diminish expenses of public justice, and to report.

The Senate has passed the following House bill :

H. B. 197. To incorporate the town of Dadeville in Tallapoosa county.

And has concurred in the House amendments to the Senate bills—

s. 7. To amend an act entitled an act to amend section 12 of an act to establish a new charter for the town of Union Springs, Alabama.

s. 2. To regulate the practice in actions on accounts.

The President of the Senate having signed the following Senate bills, your signature to the same is requested :

s. 111. To amend section 4541 (3840) of the Code.

W. L. CLAY,  
Secretary of Senate.

And the Speaker, in the presence of the House, immediately after its title had been publicly read, signed said bill—  
s. 111.

Mr. Clark of Mobile called up—

Senate joint resolution appointing a joint committee of three from the two houses to inquire into the legislation necessary to diminish expenses of public justice, and to report, etc.

The resolution was adopted.

Committee—Messrs. Speaker and Clark of Mobile.

Mr. Woolf, from the judiciary committee, reported favorably to the Senate bill—

s. 85. To amend section 3524 of the Code of Alabama.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 65, nays 3.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Barnett, Betts, Boger, Bowdon, Bradford, Brooks, Campbell, Cochrane, Cooper, Culver, Clark of Mobile, Crutcher, Dark, Davidson, Dawson, Dolive, Foster of Barbour, Foster of Macon, Fletcher, Gilbert, Griggs, Hand, Haigler, Heacock, Hughes, Huey, James, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Massey, Muldon, McCane, McCarron, McDougald, Nettles, Patton, Pearson, Pitts, Parifoy, Ralls, Ramsey, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Mobile, Stribling, Thompson, Walker, Williams, Wood, Woolf, Winn—65.

Nays—Messrs. English, Jack, Steele—3.

#### MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,  
MONTGOMERY, ALA., Dec. 10, 1878.

*Mr. Speaker:*

The Governor has approved the following bills which originated in the House—

H. B. 131. To secure the keeping in repair and closing gates erected across public roads.

H. B. 141. To regulate the manner in which notice is authorized to be given to drawers and endorsers of bills of exchange, endorsers of promissory notes or other instruments of writing, in cities containing ten thousand inhabitants or more, and in any city or town where the United States free postal delivery is in operation.

H. B. 202. To forbid sheriffs appointing coroners as deputy sheriffs.

H. B. 347. To authorize county superintendents of education to disburse certain poll tax.

H. B. 112. To amend section 3921 of the Code of Alabama relating to appeals from orders appointing receivers.

H. B. 76. To amend section 3084 of the Code of Alabama.

H. B. 14. To amend an act entitled an act to incorporate the town of Greensboro in the county of Hale, approved March 1, 1870.

Respectfully,

THOS. H. REYNOLDS,  
Recording Secretary.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
December 10, 1878.

*Mr. Speaker:*

The Senate has concurred in the House amendments to—  
s. 71. To incorporate the Brunswick and Albany Railroad Company, and to authorize said company to extend their road from the western banks of the Chattahoochee river into the corporate limits of the city of Eufaula.

And has concurred in House amendments to—

s. 48. Joint resolutions instructing our Senators, and requesting our Representatives in Congress to urge the enactment of such laws as may be necessary to prevent the exercise of jurisdiction by the courts of the United States against municipal corporations in the several States.

And has amended, as therein shown, and passed—

H. B. 153. To amend subdivision two (2) of section 651 of the Code of 1876 in relation to the time for holding the circuit courts of the 11th judicial circuit.

And has passed—

H. B. 220. To amend subdivision 21 of section 494 of the Code of Alabama.

W. L. CLAY, Secretary.

## REPORTS RESUMED.

Mr. Woolf, from the judiciary committee, reported a substitute for the bill—

H. B. 163. To amend section 2293 of the Code of Alabama of 1876.

The substitute was adopted.

The bill was ordered to a third reading forthwith, read the third time, and passed— yeas 71, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers, of Marion, Alexander, Armstrong, Ash, Barnett, Betts, Boger, Boykin, Bradford, Campbell, Cochrane, Cooper, Culver, Clark of Mobile, Crutcher, Dark, Davidson, Dawson, Dolive, Evans, Foster of Barbour, Foster of Macon, Fletcher, Gilbert, Griggs, Hand, Haigler, Heacock, Hughes, Huey, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Muldon, McCane, McCarron, McDougald, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Riley, Rushing, Sanders of Lamar,

Sanders of Madison, Sharpe, Sheid, Smith of Mobile, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Williams, Wood, Woolf, Winn—71.

Also, from the same committee, reported favorably to the bill—

H. B. 302. To amend section 3971 of the Code of Alabama. The bill was ordered to a third reading forthwith, read the third time and passed—yeas 71, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Betts, Boger, Bowdon, Boykin, Campbell, Cochrane, Cooper, Clark of Mobile, Critcher, Crutcher, Dark, Davidson, Dawson, Dolive, Foster of Barbour, Fletcher, Gilbert, Griggs, Hand, Haigler, Heacock, Hughes, Huey, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Muldon, McCane, McCarron, McDougald, Nettles, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Mobile, Steele, Taylor, of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Williams, Wood, Woolf, Winn—71.

By leave,

Mr. Williams offered the following resolution, which was adopted :

*Resolved*, That the clerk employed by the privileges and election committee shall be entitled to compensation from the 14th day of November to the 6th day of December inclusive—the time said committee had said clerk in their employment.

By leave,

Mr. Foster of Barbour, offered the following resolution, which was adopted :

*Resolved*, That the Speaker and clerk of the House certify to Hon. J. F. Haigler, member from Lowndes, his per diem from the beginning of the session.

Mr. Betts offered the following resolution, which was adopted :

*Resolved*, That the keeper of the capitol shall not suffer this hall to be used for any purpose whatever during the recess, nor admit any person to have access to it, except for business or repairs.

Mr. Fletcher offered the following resolution, which lies over under the rule :

*Resolved*, That no member of this House shall speak oftener

than twice on the same subject, without leave of the House, and each speech shall be limited to fifteen minutes;

Provided, That the chairman of committees shall have the right to conclude all discussion when reporting;

And provided further, That this resolution shall not take effect until after the recess.

By leave,

Bills were introduced :

By Mr. Davidson—

H. B. 441. To authorize the people of Blount county to vote on the question of removing the county seat of said county, and to permanently locate the same.

Also,

H. B. 442. To amend section 413 of the Code of Alabama.

Which bills were severally read once and ordered to a second reading.

By leave,

Mr. Waller, from the committee on corporations, reported favorably, with amendments, to the bill—

H. B. 406. In relation to fencing and operating railroads within the limits of Washington county.

Amend by striking out the words "sheep, or other stock," wherever they occur in sections 1 and 2.

Amend by adding at the end of section one the following: "Provided, That the provisions of this act shall not apply to the Mobile & Alabama Grand Trunk railroad until after the time provided for its completion.

The amendments were severally adopted, and the bill ordered to a third reading.

The hour of two o'clock P. M. having arrived, the Speaker declared that, under the joint resolution of the two Houses, the House stood adjourned until 12 o'clock M., the 15th of January, 1879.

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## TWENTY-FIFTH DAY.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, January 15, 1879.

The House met pursuant to adjournment.

Mr. Huey moved that, on account of the temporary absence of the Speaker, the Hon. H. A. Woolf be elected temporary

Speaker, to perform the duties of the chair, until such time as the Speaker may be able to appear in the House.

The motion was agreed to.

Prayer by Rev. Dr. Ralls, of the House.

On the call of the roll, the following members answered to their names :

Messrs. Akers of Jefferson, Alexander, Armstrong, Ash, Bailey, Billingslea, Boger, Bowdon, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Dark, Davis, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Pitts, Purifoy, Ralls, Ramsey, Register, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—84.

Journal of Tuesday, December 10, 1878, was read and approved.

Leave of absence was granted Messrs. Pearson, Smith of Mobile, until Friday, to Messrs. Reynolds, Wood and Crutcher indefinitely, on account of sickness, to Messrs. Patton, Akers of Marion, and Barnett until to-morrow, and to Mr. Boykin until Saturday.

#### BILLS ON SECOND READING.

The bill—

H. B. 441. To authorize the people of Blount county to vote on the question of removing the county seat of said county, and to permanently locate the same.

Was read the second time.

Mr. Davidson, by leave, withdrew the bill.

The bill—

H. B. 442. To amend section 413 of the Code of Alabama.

Was read the second time and referred to the committee on ways and means.

#### SENATE BUSINESS.

The House concurred in the amendments of the Senate to the bill.

H. B. 153. To amend subdivision 2 of section 651 of the Code of 1876, in relation to the time for holding the circuit courts of the 11th judicial circuit.

Yeas 73, nays 0.

Yeas—Messrs. Akers of Jefferson, Alexander, Armstrong Ash, Billingslea, Bailey, Boger, Bowdon, Bradford Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Conecuh, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Massey, Molett, Muldon, McCaue, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Pitts, Purifoy, Ralls, Ramsey, Register, Riley, Rushing, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Winn—73.

#### CALL OF THE COUNTIES.

On the call of the counties, bills were introduced :

By Mr. Armstrong (with petition and evidence of publication of notice) —

H. B. 439½. To prohibit the sale, or giving away of spirituous or vinous liquors, within two miles of Mount Zion Methodist church, in the county of Chambers.

By Mr. Winn—

H. B. 440½. To amend section 494 of the Code.

By Mr. Walker—

H. B. 441½. Requiring certain offices to be declared vacant, and to authorize the filling of such vacancies.

By Mr. Akers of Jefferson (with evidence of publication of notice, &c.)—

H. B. 442½. To authorize the Pierce, Warrior and Duffryn coal mines of Alabama to issue change tickets in the course of business of said mines, which shall not be transferable, and payable in merchandise only.

By Mr. Davis—

H. B. 443. To incorporate the Athens male institute at Athens, Alabama.

By Mr. Boger—

H. B. 444. To amend an act, for the publication of the Code of Alabama, approved February 3, 1877.

By Mr. Haigler —

H. B. 445. To require and regulate the registration of



claims against the fine and forfeiture fund of the several counties of Alabama.

Also (with evidence of publication of notice)—

H. B. 446. To repeal so much of an act to prohibit the sale of liquors within certain places, therein named, in Lowndes county.

By Mr. Foster of Macon—

H. B. 447. To require the interest on State obligations to be paid at the office of the State treasurer, and not elsewhere.

Also,

H. B. 448. To organize and establish a board of immigration for the State of Alabama.

Also,

H. B. 449. To preserve and continue liens subsisting against the property of deceased persons at the time of death, and to provide for their enforcement against the personal representatives of such decedents.

Also,

H. B. 450. To remove the disqualification of witnesses on account of infamy.

Also,

H. B. 451. To secure the attendance of convicts sentenced to hard labor for the county, as witnesses for the State in criminal cases, and to provide for taking the testimony of such convicts in certain cases.

Also,

H. B. 452. To prescribe the mode of payment of fines and forfeitures in the courts of Macon county, and to regulate the disposal of the same.

Also,

H. B. 453. To empower the town council of the town of Tuskegee to regulate and control meat markets, and to levy and collect license taxes in certain instances.

By Mr. Bradford—

H. B. 454. To repeal an act to regulate the fees of constables in the counties of Marengo and Dallas, approved December 17, 1873.

By Mr. Kirkpatrick (with evidence of publication of notice, &c.)—

H. B. 455. To prohibit the sale or giving away of spirituous liquors within three miles of Rocky Mount Methodist church, in Crenshaw county.

By Mr. Huey—

H. B. 456. To amend subdivision 3, of section 2551, and

sections 2553, 2555, 2557, 2558 and 2559, of the Code of Alabama.

By Mr. Ash—

H. B. 457. To amend section 3467 of the Code.

By Mr. Heacock—

H. B. 458. For the preservation of game in the counties of Talladega and Clay.

By Mr. Stribling—

H. B. 459. To amend section 4182 of the Code of Alabama.

Which bills were severally read once, and ordered to a second reading to-morrow.

Mr. Sheid presented petition of certain real estate owners, residing near the town of Anniston, Alabama, praying to have their property exempt from the operation of the act to incorporate the town of Anniston, now pending in the House ;

Which were read and referred to the committee on corporations.

Mr. Legg offered the following resolution,

Which, on motion of Mr. Stribling, was laid on the table:

*Resolved*, That this House meet at 9½ A. M., and adjourn at 2 P. M., and meet at 3 P. M., and adjourn at will each day.

Mr. Boger introduced joint memorial

H. B. 460. To the Congress of the United States relative to cases pending before U. S. courts for violations of revenue law ;

Which was read and referred to the committee on federal relations.

Mr. Boger offered the following resolution, which lies over :

*Resolved*, That the word "first," in line three, of rule twenty-five, page seven, be changed to "last," so as to read as follows :

The Speaker shall vote on all questions ; and when the ayes and noes are desired, the Speaker shall be last called, and if the House be equally divided, the question shall be lost.

On motion of Mr. Stribling, the House adjourned until to-morrow morning, 10 o'clock.

## TWENTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES,

THURSDAY, January 16, 1879.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Davidson of the House.

Upon the call of the roll, the following members answered to their names:

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Bradford, Brooks, Caldwell, Campbell, Cochran, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pitts, Purifoy, Ramsey, Register, Reynolds, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lowndes, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—  
86.

Journal of yesterday read and approved.

By leave—

Mr. Foster of Macon, offered joint resolution—

Raising joint committee to investigate and report as to the time the present session will expire by constitutional limitation.

Committee on the part of the House—

Messrs. Williams, Smith of Mobile and Walker.

### ENROLLED BILLS SIGNED.

Mr. Fletcher, from the committee on enrolled bills, reported as correctly enrolled the following bills

And the speaker, in the presence of the House, immediately after the titles had been publicly read, signed said bills:

H. B. 197. To incorporate the town of Dadeville, in Tallapoosa county.

H. B. 220. To amend sub-division 21 of section 494 of the Code of Alabama.

H. B. 153. To amend sub-divisions two (2), three (3), and four (4), of section 651 of the Code of 1876, in relation to the time for holding the circuit courts in the 11th judicial circuit.

#### MESSAGE FROM THE SENATE.

*Mr. Speaker :*

The President of the Senate having signed the following bills, your signature is requested to the same :

s. 2. An act to regulate the practice in actions on accounts;

s. 31. An act to amend sub-division one of section 1933 of the Code;

s. 7. An act to amend an act entitled an act to amend section 12 of an act to establish a new charter for the town of Union Springs, Alabama, approved February 1st, 1876.

W. L. CLAY,  
Secretary.

And the speaker, in the presence of the House, immediately after their titles had been publicly read, signed the said bills, (their titles being set out in full in the above message).

#### BILLS ON THEIR SECOND READING.

The bills—

H. B. 439½. To prohibit the sale or giving away of spirituous liquors, within two miles of Mount Zion Methodist church, in the county of Chambers.

H. B. 446. To repeal so much of an act, to prohibit the sale of liquors within certain places therein named in Lowndes county,

Were severally read the second time and referred to the committee on temperance.

The bill—

H. B. 455. To prohibit the sale or giving away of spirituous liquors within three miles of Rocky Mount Methodist church, in Crenshaw county,

Was read the second time.

Mr. Fonville moved to lay the bill on the table.

Lost—

And the bill was referred to the committee on temperance.

The bill—

H. B. 440 $\frac{1}{2}$ . To amend section 494 of the Code of Alabama.

B. B. 447. To require the interest on State obligations to be paid at the office of the State Treasurer and not elsewhere.  
Were severally read the second time and referred to the committee on ways and means.

The bills—

H. B. 441 $\frac{1}{2}$ . Requiring certain offices declared vacant, and to authorize the filling of such vacancies.

H. B. 449. To preserve and continue liens subsisting against the property of deceased persons, at the time of death, and to provide for their enforcement against the personal representatives of such decedents.

H. B. 450. To remove the disqualification of witnesses on account of infamy.

H. B. 452. To prescribe the mode of payment of fines and forfeitures in the courts of Macon county, and to regulate the disposal of the same.

H. B. 451. To secure the attendance of convicts sentenced to hard labor for the county, as witnesses for the State in criminal cases, and to provide for taking the testimony of such convicts in certain cases.

H. B. 456. To amend sub-division 3 of section 2551 and sections 2553, 2555, 2557, 2558 and 2559, of the Code of Alabama.

H. B. 457. To amend section 3167 of the Code.

H. B. 459. To amend section 4182 of the Code of Alabama,  
Were severally read the second time and referred to the judiciary committee.

The bills—

H. B. 442 $\frac{3}{4}$ . To authorize the Pierce Warrior and Duffryn coal mines of Alabama, to issue change tickets in the course of business of said mines, which shall not be transferrable, and payable in merchandize only.

H. B. 453. To empower the town council of the town of Tuskegee, to regulate and control meat markets, and to levy and collect license taxes in certain instances.

H. B. 454. To repeal an act to regulate the fees of constables, in the counties of Maréngo and Dallas, approved 17th December, 1873,

Were severally read the second time and referred to the committee on local legislation.

The bill—

H. B. 443. To incorporate the Athens male institute at Athens, Alabama,

Was read the second time and referred to the committee on corporations.

The bill—

H. B. 444. To amend an act for the publication of the Code of Alabama, approved Feb. 3, 1877—

Was read the second time and referred to the committee on appropriations.

The bill—

H. B. 448. To organize and establish a board of immigration for the State of Alabama—

Was read the second time and referred to the special joint committee on immigration.

The bill—

H. B. 458. For the preservation of game in the counties of Talladega and Clay—

Was read the second time and referred to the select committee on game laws.

The House next proceeded to the consideration of the amendment to the rules offered by Mr. Boger.

On motion of Mr. Lawrence, the amendment was laid on the table.

#### CALL OF THE COUNTIES.

On the call of the counties, bills were introduced :

By Mr. Massey—

H. B. 461. To amend an act entitled an act to authorize and empower the court of county commissioners of Barbour county to compromise and settle the bonded indebtedness of said county, incurred for stock subscribed by said county to the Vicksburg and Brunswick railroad company, approved Feb. 6, 1877.

By Mr. Hughes—

H. B. 462. To authorize the court of county commissioners to fill by appointment vacancies in the office of coroner.

By Mr. Sheid—

H. B. 463. For the arrest of persons charged with the larceny of certain domestic animals.

By Mr. Armstrong—

H. B. 464. To amend section 3134 of the Code.

By Mr. Foshee—

H. B. 465. For the relief of Jefferson N. Fox.

By Mr. Riley—

H. B. 466. To authorize the construction of booms on the Conecuh river, in the State of Alabama, for the safe keeping of saw-logs, timber and lumber.

By Mr. McIlwain—

H. B. 467. To secure the prompt delivery of cotton transported by railroads.

By Mr. Waller—

H. B. 468. To confer additional jurisdiction upon the county court of Hale county, and to regulate the proceedings therein.

By Mr. Taylor at Lauderdale—

H. B. 469. To amend section 768 of the Code of Alabama.  
Also,

H. B. 470. To amend section 629 of the Code.  
Also,

H. B. 471. To amend section 588 of the Code of Alabama.

By Mr. Davis—

H. B. 472. To amend section 12 of the charter of Athens, Limestone county.  
Also,

H. B. 473. To amend section 2681 of the Code of Alabama.  
Also,

H. B. 474. To amend section 3181 of the Code.  
Also,

H. B. 475. To amend section 4874 of the Code.  
Also,

H. B. 476. To authorize and require the board of mayor and councilmen of the town of Athens, Ala., to assess and collect a special tax to build and furnish a school-house, &c.

By Mr. Boger—

H. B. 477. To amend section 358 of the Code.

By Mr. Smith of Lowndes—

H. B. 478. To amend section 1437 of the Code.  
Also,

H. B. 479. To amend sections 1440 and 1453 of the Code.

By Mr. Betts—

H. B. 480. To amend section 421 of the Code.  
Also,

H. B. 481. To amend section 414 of the Code.  
Also,

H. B. 482. To repeal subdivision 14 of section 83 of the Code.

By Mr. Fletcher—

H. B. 483. To require affidavit of defense in certain cases.

By Mr. Woolf—

H. B. 484. To regulate and increase the jurisdiction of the probate courts of this State.  
Also,

H. B. 485. Defining certain credits to be allowed tax collectors on making final settlements with the State auditor.

By Mr. Muldon—

H. B. 486. To define who are agents of insurance companies not incorporated by or under the laws of this State, and to fix their liability for acting without authority of law.

Also,

H. B. 487. To authorize the Stonewall Insurance Company of Mobile to reduce the amount of its capital stock.

By Mr. Sharpe—

H. B. 488. To amend an act to incorporate the town of Hartsell, in Morgan county, approved March 1, 1875.

By Mr. Huey—

H. B. 489. To amend subdivision K of section 5032 of the Code of 1876.

By Mr. Brooks—

H. B. 490. To amend subdivision 5 of section 845 of the Code.

By Mr. Lee—

H. B. 491. To prevent the sale or giving away of intoxicating liquors within three miles of Enon church, in Pickens county.

By Mr. Willett—

H. B. 492. To amend section 4597 of the Code of 1876.

Also,

H. B. 493. For the relief of J. N. Blanton, of Pickens county.

Also,

H. B. 494. To prohibit the sale or giving away of spirituous, vinous or malt liquors within three miles of Unity Grove camp ground, in Pickens county.

By Mr. Barnett—

H. B. 495. For the relief of Noah Corley.

By Mr. Pitts—

H. B. 496. To regulate the weighing and sampling of baled cotton.

Also,

H. B. 497. To change and prescribe the time of holding the chancery courts for the counties of Shelby, Calhoun, Cleburne, Clay and Randolph.

By Mr. Bowdon—

H. B. 498. To authorize the mayor and aldermen of the city of Talladega to license auctioneers, livery and sale stables, and the running of hackney-coaches, hacks, carriages, wagons, carts and drays, for pay or hire, and to regulate the same.



By Mr. Dark—

H. B. 499. For relief of R. I. Sewell, of the county of Tallapoosa.

By Mr. Purifoy—

H. B. 500. To make the fees of the officers of courts of Wilcox county, in certain criminal cases, receivable in payment of debts due said county for fines and forfeitures.

By Mr. Waller—

H. B. 501. To amend section 411 of the Code of Alabama. Also,

H. B. 502. To amend section 409 of the Code of Alabama.

By Mr. Hand—

H. B. 503. To prevent the depredation of stock in a portion of the county of Greene therein described.

By Mr. Fletcher—

H. B. 504. To incorporate the Alabama Orphan School at Mountain Home, Lawrence county, Alabama.

By Mr. Nettles—

H. B. 505. To prevent the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors within one and a half miles of Asbury camp ground, in Monroe county.

By Mr. Lawson—

H. B. 506. To amend section 2262 of the Code.

Also,

H. B. 507. To prevent injurious delays in the administration of justice.

Also,

H. B. 508. To prohibit the sale, or giving away, or otherwise disposing of spirituous, vinous, or malt liquors outside the limits of every incorporated town in the county of Montgomery.

Which bills were severally read once, and ordered to a second reading on to-morrow.

Mr. Fletcher offered the following resolution, which was lost:

*Resolved*, That the door-keeper be instructed and authorized to procure a bulletin board, on which the chairman of each standing committee shall post calls for the meeting of his committee.

Mr. Fletcher offered the following resolution, which lies over:

*Resolved*, That from this time to the close of the session no member of this House shall speak more than ten minutes at one time, under any circumstances, unless leave be granted by the House, and shall not speak oftener than twice on the

same subject. That in all debates upon resolutions or bills, prior to their passage on the third reading, the mover of the resolution or author of the bill, as the case may be, shall have the right to close the debate thereon.

On motion of Mr. Muldon, 150 copies of—

H. B. 419. To authorize the redemption of lands sold for taxes and purchased by the State,

Were ordered to be printed.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
January 16, 1879.

*Mr. Speaker :*

The Senate has passed the following House bills—

H. B. 127. To repeal an act regulating the fine and forfeiture fund of the counties of Bibb, Fayette, Marion and Blount, approved February 8, 1877, so far as it relates to the county of Blount.

H. B. 143. To provide lights and fuel when necessary for the circuit and chancery courts and the courts of county commissioners.

H. B. 181. To require lightning rod companies selling lightning rods in this State to pay a license therefor.

H. B. 213. To protect the capitol grounds.

And has amended, as therein shown, and passed—

H. B. 43. To amend section five of an act entitled an act to establish a court of revenue for the county of Wilcox, approved Feb. 3, 1877.

The Senate has adopted the joint resolution—

Appointing joint committee to consider and locate boundary lines of certain counties therein named, and to report.

W. L. CLAY,  
Secretary of Senate.

#### SPECIAL ORDER.

The hour of 11 o'clock having arrived, the House proceeded to the consideration of the special order for this hour, viz:

The Senate bill—

s. 32. To change the boundary line between the counties of DeKalb and Jackson.

The question pending being the amendment reported by the committee on counties and county boundaries—

On motion of Mr. Davis, the bill and amendment were laid on the table.

Mr. Lawrence offered the following resolution, which was adopted :

*Resolved*, That the door-deeper be instructed to have the clock used in the hall of the House of Representatives repaired, or one substituted by purchase if the one heretofore used cannot be successfully repaired at small expense.

Mr. Sheid presented petition of citizens of Anniston, asking passage of the Senate bill in regard to the incorporation of Anniston.

Which was referred to committee on corporations.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Woolf, from the judiciary committee, reported a substitute for the bill—

H. B. 77. To amend section 3341 of the Code.

The substitute was adopted.

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 87, nays 0.

Yeas—Messrs. Speaker, Akers of J., Akers of M., Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Hancock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Molett, Muldon, McCarron, McDougald, Nettles, Nicholson, Owens, Patton, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Woolf, Winn—87.

Mr. Woolf, from the same committee, reported favorably to the bill—

H. B. 263. To regulate the terms of the circuit court of Shelby county, in the tenth judicial circuit of Alabama.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 83, nays 0.

Yeas—Messrs. Speaker, Akers of J., Akers of M., Alexander, Armstrong, Bailey, Betts, Boger, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh

Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Molett, Muldon, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf—83.

Mr. Woolf, from the same committee, reported favorably, with amendment, to the bill—

H. B. 273. To enable married women whose husbands are insane, or *non compos mentis*, to convey real estate.

Amend as follows—

At the end of section 1 add the following: *Provided*, That the extension of such conveyance shall be attested by two competent and disinterested witnesses.

The amendment was adopted.

And the bill ordered to a third reading forthwith, read the third time, and passed—yeas 85, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Caldwell, Campbell, Cochrane, Culver, Curtis, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—85.

Also, from same committee, reported favorably, to the bill—

H. B. 317. To establish a board of revenue for Autauga county, and to define the powers and duties of said board of revenue.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 81, nays 8.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Billingslea, Bowdon, Bradford, Brooks, Caldwell, Cochrane, Cooper, Culver, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Woolf—81.

Nays—Messrs. Boger, Curtis, Clark of Conecuh, Clark of Lawrence, English, Fletcher, Steele, Taylor of Lauderdale—8.

#### SPECIAL ORDER.

The hour of 12 o'clock having arrived, the House proceeded to the consideration of the special order for this hour, viz: the Senate bill—

s. 13. To provide the mode of procedure, in cases in which the claim of recoupment of damages is interposed.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 80, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Boger, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Martin, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—80.

Mr. Clark of Lawrence voted nay.

The next special order for 12, viz: the bill—

H. B. 248. To repeal an act to establish the city court of Eufaula, approved February 14, 1870;

Was, on motion of Mr. Foster of Barbour, postponed and made the special order for Tuesday, 21st inst., at 12 m.

REPORTS RESUMED.

Mr. Woolf, from the judiciary committee, reported favorably, to the bill—

H. B. 222. To amend section 4450 of the Code.

On motion of Mr. Woolf, the bill was recommitted.

Mr. Woolf, from same committee, reported favorably, to the bill—

H. B. 223. To regulate the collection and disbursement of the hire of convicts to hard labor for the county.

On motion of Mr. Willett, the bill was recommitted.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,  
MONTGOMERY, ALA., Jan. 16, 1879.

*Mr. Speaker :*

The Governor has approved the following bills, which originated in the House :

H. B. 153. To amend subdivision two (2), three (3), and four (4), of section 651 of the Code of 1876, in relation to the time of holding the circuit court in the 11th judicial circuit.

H. B. 220. To amend subdivision 21, of section 494 of the Code of Alabama.

H. B. 197. To incorporate the town of Dadeville, in Tallapoosa county:

Respectfully,

THOS. H. REYNOLDS,  
Recording Secretary.

REPORTS RESUMED.

Mr. Woolf, from the judiciary committee, reported favorably, to the bill—

H. B. 288. To provide for appeals from convictions by municipal officers;

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 83, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers, of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Bowdon, Bradford, Brooks Caldwell, Campbell, Coch-

rane, Cooper, Culver, Curtis, Clark of Conecuh, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Molett, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Antauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—83.

Also, from the same committee, reported a substitute for the bill—

H. B. 224. To amend section 651 of the Code of Alabama relating to the times and places of holding circuit courts in the seventh circuit.

The substitute was adopted and the bill ordered to a third reading forthwith, read the third time and passed—yeas 84, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Boger, Bowdon, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lyons, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Antauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson Walker, Waller, Willett, Williams, Woolf, Winn—84.

Also, from same committee, reported favorably to the bill—

H. B. 262. To repeal the proviso contained in an act, approved February 5th, 1858, entitled an act to establish jury trials in justices' courts, which proviso excepts the counties of DeKalb and Cherokee from the operations of said act.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 77, nays 0.

Yeas—Messrs. Speaker, Alexander, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Bowdon, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive,

Evans, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Legg, Lowther, Lyons, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Owens, Patton, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—77.

Also, from same committee, reported favorably to the bill—

H. B. 100. To enforce the payment of claims out of the statutory separate estate of married women in suits before justices of the peace.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 76, nays 5.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Billingslea, Boger, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Lawrence, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Massey, Molett, Muldon, McCane, McCarron, Nettles, Nicholson, Patton, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Woolf, Winn—76.

Nays—Messrs. Clark of Conecuh, English, McIlwain, Owens and Steele—5.

Also, from same committee, reported favorably to the bill—

H. B. 70. To repeal an act to require the tax collector of Bullock county to receive in payment of county taxes, registered claims against the general fund of said county, approved February 9, 1877.

Mr. Taylor of Lauderdale, moved—

To amend by adding the following: "Provided, That the repeal of said act shall in no wise affect the rights of any person or persons who purchased any of said registered claims, previous to the passage of this act and since February 9, 1877."

Which, on motion of Mr. Caldwell—

Was laid on the table—

And the bill was ordered to a third reading forthwith, read the third time and passed—yeas 76, nays 6.



Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Billingslea, Bowdon, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Dark, Davidson, Dawson, Dolive, Fonville, Fosbee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griegs, Haigler, Hand, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pitts, Purifoy, Ralls, Ramsey, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith, of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—76.

Nays—Messrs. Boger, Clark of Conecuh, Crutcher, Davis, English, Taylor of Lauderdale—6.

By leave, Mr. Lyons offered the following resolution, which was adopted :

*Resolved*, That the committee on the penitentiary are hereby instructed to report, by bill or otherwise, the necessary legislation to reduce the cost of carrying prisoners to the penitentiary from the county jails.

By leave, Mr. Kirkpatrick offered the following resolution, which was adopted :

*Resolved*, That the Speaker appoint an additional member to serve on the committee on temperance ;

The Speaker added Mr. Lawson to the committee on temperance.

By leave, Mr. Woolf offered the following resolution, which was adopted :

*Resolved*, That the clerk of the House is hereby authorized to employ, by and with the consent of the speaker, such additional clerical assistance as may be necessary for the proper dispatch of the business of the House.

The Speaker laid before the House the petition of certain citizens of Montgomery, against the repeal of the prohibitory liquor law effecting Tabernacle church in Montgomery ;

The petition was referred to the committee on temperance.

By leave, Mr. Ramsey offered the following resolution :

*Whereas*, Almighty God has removed from earth to eternity since the adjournment of this General Assembly on the 10th of December, a member elect to this House, the Hon. Benjamin P. Portis, from the county of Sumter ; who departed this life at his home in Sumter county in December last ;

*Be it Resolved*, That altho from feeble health, the deceased

was never able to take his seat, to which he was elected, and co-operate with us, for the great interest of the State; and altho' personally unknown to many of us; yet from his former services in this House, from his known established character for integrity and ability, for his learning and attainments; we can say, in the death of the Hon. B. P. Portis, this House has lost a wise councilor, his constituents one who would have faithfully represented them, and the State one of her most patriotic and valued citizens.

*Resolved further*, That while we bow in humble submission to the decree of an allwise providence, we lament the loss of such a man as a public calamity.

*Resolved*, That a copy of these resolutions be spread upon the journals of the house, and a copy forwarded by the clerk to the family of the deceased.

*Resolved*, That as a mark of respect for the memory of the deceased, the House do now adjourn until to-morrow morning 10 o'clock.

After appropriate remarks by Mr. Woolf, upon the life and character of the deceased, the resolutions were unanimously adopted by a rising vote, and the House stood adjourned until to-morrow morning 10 o'clock.

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## TWENTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES,

FRIDAY, January 17, 1879.

The House met pursuant to adjournment.

Prayer by Rev. Dr. Ralls of the House.

On the call of the roll the following members answered to their names:

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Curtis, Culver, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane,

McCarron, McDougald, McIlwain, Nettles, Nicholson, Patton, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—92.

Mr. Barnett, when the name of Mr. Owens was called, stated that he was detained by sickness.

Journal of yesterday read and approved.

#### ENROLLED BILLS SIGNED.

Mr. Fletcher, from the committee on enrolled bills, reported as correctly enrolled the following bills;

And the speaker, in the presence of the House, immediately after the titles had been publicly read, signed said bills:

H. B. 143. To provide lights and fuel when necessary for the circuit and chancery courts and the courts of county commissioners.

H. B. 127. To repeal an act regulating the fine and forfeiture fund of the counties of Bibb, Fayette, Marion and Blount, approved Feb. 8, 1877, so far as it relates to the county of Blount.

H. B. 213. To protect the capitol grounds.

H. B. 181. To require lightning rod companies selling lightning rods in this State to pay a license therefor.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
January 17, 1879.

*Mr. Speaker:*

The President of the Senate having signed the following Senate bills, your signature to the same is requested:

s. 52. An act to amend section 699 of the Code of Alabama.

s. 85. An act to amend section 3524 of the Code of Alabama.

W. L. CLAY,  
Secretary of Senate.

And the Speaker, in the presence of the House, immediately after their title had been publicly read, signed said bills (their titles being set out in above message).

Mr. Brooks moved to take from the table the Senate bill—s. 32. To change the boundary line between the counties of DeKalb and Jackson.

Which was agreed to.

And the bill was recommitted.

#### RECONSIDERATION.

Mr. Smith of Mobile moved to reconsider the vote by which the bill passed on yesterday :

H. B. 273. To enable married women whose husbands are insane, or *non compos mentis*, to convey real estate.

Also, the vote ordering the bill to a third reading.

Which was agreed to.

On motion of Mr. Woolf, the further consideration of the bill was postponed, and made the special order for 11 A. M. to-morrow.

#### BILLS ON SECOND READING.

The bills—

H. B. 461. To amend an act to authorize and empower the court of county commissioners of Barbour county to compromise and settle the bonded indebtedness of said county, incurred for stock subscribed by said county to the Vicksburg and Brunswick Railroad Company, approved Feb. 6, 1877.

H. B. 465. For the relief of Jefferson N. Fox.

H. B. 477. To amend section 358 of the Code.

H. B. 478. To amend section 1437 of the Code;

H. B. 479. To amend sections 1440 and 1453 of the Code;

H. B. 480. To amend section 421 of the Code;

H. B. 481. To amend section 414 of the Code;

H. B. 482. To repeal subdivision 14 of section 83 of the Code;

H. B. 486. To define who are agents of insurance companies not incorporated by or under the laws of this State, and to fix their liability for acting without authority of law.

Were severally read the second time and referred to the committee on ways and means.

The bills—

H. B. 462. To authorize the court of county commissioners to fill by appointment vacancies in the office of coroner.

H. B. 463. For the arrest of persons charged with the larceny of certain domestic animals;

H. B. 464. To amend section 3134 of the Code.

- H. B. 468. To confer additional jurisdiction upon the county court of Hale county, and to regulate the proceedings.
- H. B. 469. To amend section 768 of the Code of Alabama.
- H. B. 470. To amend section 629 of the Code of Alabama;
- H. B. 471. To amend section 588 of the Code of Alabama;
- H. B. 473. To amend section 2681 of the Code of Alabama;
- H. B. 474. To amend section 3181 of the Code of Alabama;
- H. B. 475. To amend section 4874 of the Code of Alabama;
- H. B. 483. To require affidavits of defense in certain cases.
- H. B. 484. To regulate and increase the jurisdiction of the probate courts of this State;
- H. B. 485. Defining certain credits to be allowed tax collectors in making final settlements with the State auditor.
- H. B. 492. To amend section 4597 of the Code of 1876;
- H. B. 497. To change and prescribe the time of holding the chancery court for the counties of Shelby, Calhoun, Cleburne, Clay and Randolph;

Were severally read the second time and referred to the judiciary committee.

The bills—

- H. B. 466. To authorize the construction of booms on the Conecuh river, in the State of Alabama, for the safe keeping of saw logs, timber and lumber;
- H. B. 467. To secure the prompt delivery of cotton transported by railroads;
- H. B. 496. To regulate the weighing and sampling of baled cotton;

Were severally read the second time and referred to the committee on agriculture and commerce.

The bills—

- H. B. 472. To amend section 12 of the charter of Athens, Limestone county;
  - H. B. 487. To authorize the Stonewall Insurance Company of Mobile to reduce the amount of its capital stock;
  - H. B. 488. To amend an act to incorporate the town of Hartsell, in Morgan county, approved March 1, 1875;
- Were severally read the second time and referred to the committee on corporations.

The bill—

- H. B. 476. To authorize and require the board of mayor and councilmen of the town of Athens, Alabama, to assess and collect a special tax to build and furnish a school house, etc.;

Was read the second time and referred to committee on education.

The bill—

H. B. 489. To amend subdivision K, of section 5032 of the Code of Alabama;

Was read the second time, and referred to the committee on fees and salaries.

The bill—

H. B. 490. To amend subdivision 5 of section 845 of the Code;

Was read the second time, and referred to the committee on public printing.

The bills—

H. B. 491. To prevent the sale or giving away of intoxicating liquors within three miles of Enon church, in Pickens county;

H. B. 494. To prohibit the sale or giving away of spirituous, vinous, or malt liquors within three miles of Unity Grove camp ground, in Pickens county;

Were severally read the second time and referred to the committee on temperance.

The bill—

H. B. 493. For the relief of I. N. Blanton of Pickens county;

Was read the second time, and referred to the committee on accounts and claims.

The bills—

H. B. 495. For the relief of Noah Corley;

H. B. 498. To authorize the mayor and aldermen of the city of Talladega to license auctioneers, livery and sale stables, and the running of hackney coaches, hacks, carriages, wagons, carts and drays, for pay or hire, and to regulate the same;

Were severally read the second time, and referred to the committee on local legislation.

#### MESSAGE FROM THE GOVERNOR.

#### EXECUTIVE DEPARTMENT,

January 17, 1879.

*Gentlemen of the House of Representatives:*

I hereby lay before you the report of the President of the Agricultural and Mechanical College for the year 1877-8, and commend its statements and suggestions to your most respectful consideration.

Very respectfully.

R. W. COBB, Governor.

The message of the Governor was read, and—  
On motion of Mr. Foster of Barbour, 300 copies of the report were ordered printed.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
January 17, 1879.

*Mr. Speaker :*

The Senate has concurred in the House joint resolution appointing a joint committee to inquire and report as to the time the present session must terminate by constitutional limitation.

Committee on the part of the Senate : Messrs. Buell and Troy.

And has originated and passed the following bills :

s. 165. To establish a school district in Conecuh county to be known as the Evergreen school district.

s. 126. For the relief of John H. Harris, of the county of Lawrence.

s. 139. For the better protection of passengers in railroad cars in this State.

s. 148. To amend section 629 of the Code.

W. L. CLAY,  
Secretary of Senate.

The Senate bills just received (s. 165, s. 126, s. 139, s. 148,) were severally read once and ordered to a second reading on to-morrow.

## SPECIAL ORDER.

The hour of 11 o'clock having arrived, the House proceeded to the consideration of the special order for this hour, viz :

The bill—

H. B. 26. To form a new county to be called Clanton.

The question pending being—

The amendments reported by the committee on counties and county boundaries.

The amendments were severally adopted.

Mr. Woolf moved to substitute the minority for the majority report—

Which was agreed to—yeas 45, nays 36.

Yeas—Messrs. Speaker, Alexander, Bradford, Cochrane, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, English, Fonville, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Heacock, Huey, Hutto, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Massey, Muldon, McCarron, McIlwain, Purifoy, Ramsey, Sanders of Madison, Sharpe, Smith of Mobile, Steele, Taylor of Choctaw, Thompson, Walker, Willett, Woolf—45.

Nays—Messrs. Akers of Jefferson, Armstrong, Ash, Bailey, Barnett, Billingslea, Boger, Bowdon, Brooks, Caldwell, Cooper, Culver, Curtis, Clark of Conecuh, Davidson, Dolive, Foshee, Hearn, Hughes, Lowther, Molett, McCane, Nicholson, Pitts, Ralls, Register, Reynolds, Riley, Sanders of Lamar, Sheid, Smith of Autauga, Smith of Lowndes, Stribling, Waller, Williams, Winn—36.

The minority report was concurred in.

Mr. Woolf moved to reconsider the vote concurring in the minority report—

And to lay that motion on the table.

The latter motion was agreed to.

The special order for 12, viz:

The bill—

H. B. 15. To organize and regulate a system of public instruction—

Was, on motion of Mr. Foster of Barbour, made the special order for to-morrow immediately after the reading and approval of the journal.

#### MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,  
January 17, 1879.

*Mr. Speaker:*

The Governor has approved the following bills which originated in the House:

H. B. 213. An act to protect the capitol grounds.

H. B. 143. To provide lights and fuel, when necessary, for the circuit and chancery courts and the courts of county commissioners.

H. B. 127. To repeal an act regulating the fine and forfeiture fund of the counties of Bibb, Fayette, Marion and Blount, approved February 8, 1877, so far as it relates to the county of Blount.



H. B. 181. To require lightning-rod companies, selling lightning-rods in this State, to pay a license therefor.

Very respectfully,

THOS. H. REYNOLDS,  
Recording Secretary.

By leave—

Mr. Akers of Jefferson offered the following resolution which was lost:

*Resolved*, That the committee on the penitentiary be instructed to inquire and report to this House why the warden of the penitentiary has not made his annual report to the inspectors of the penitentiary, as required by law.

#### BILLS INTRODUCED.

By leave, the following bills were introduced:

By Mr. Huey—

H. B. 509. For the relief of Mrs. Margaret A. Johnson, of Perry county.

By Mr. McIlwain—

H. B. 510. To amend sections 2, 3, 8, 38, 39, 40, 45, 46, 47, 48, 49, 50, 51 of the charter of the city of Selma.

By Mr. Molett—

H. B. 511. To prescribe the mode of collecting the taxes of Dallas county.

By Mr. Sheid—

H. B. 512. To authorize sureties on official and other bonds to waive exemptions under the constitution and laws of Alabama.

Also,

H. B. 513. To change the boundary line between the counties of Cleburne and Calhoun.

By Mr. Kennedy—

H. B. 514. To amend section 1821 of the Code of 1876.

By Mr. Foster of Barbour (by request)—

H. B. 515. For the relief of the Perdido bay lumber company.

Also,

H. B. 516. To amend subdivision one of section 3820 of the Code of Alabama of 1876.

By Mr. Ash—

H. B. 517. To provide for the appointment of county prosecuting attorneys.

Also,

H. B. 518. To provide for and prescribe the time of redemption of lands sold for taxes in 1869.

Also,

H. B. 519. To provide for the transfer or change of venue of certain causes in the circuit court.

By Mr. Rushing—

H. B. 520. To change the boundary line between the counties of Coffee and Crenshaw.

Also (with petition, &c.)—

H. B. 521. To repeal an act prohibiting the sale of spirituous liquors within two miles of the academy at Haw Ridge, in the counties of Dale and Coffee.

By Mr. Woolf—

H. B. 522. To repeal an act to consolidate the fund of fines and forfeitures and the general fund of the county of Marengo, approved February 13, 1871.

By Mr. Waller—

H. B. 523. To protect persons who have given mortgages or liens upon personal property, or growing crops, from extortion, and to regulate the proceedings in such causes.

By Mr. Pitts—

H. B. 524. For the relief of Manning C. Spradley, of Shelby county.

By Mr. Fletcher—

H. B. 525. To authorize the erection of gates across public roads.

Which bills were severally read once, and ordered to a second reading on to-morrow.

Mr. Boger presented the petition of certain citizens, praying for the passage of a law to prohibit the sale of intoxicating liquors in any ward of any city, incorporated town or township, without first obtaining the consent of the majority of the males over 21 and the females over 18.

Which was referred to the committee on temperance.

On motion of Mr. Sheid, the bill—

H. B. 72. For relief of Martin and Clark, of Calhoun county—

Was ordered to be returned from the committee on accounts and claims, and referred to the judiciary committee.

On motion of Mr. Woolf, the House adjourned until to-morrow, 10 o'clock.

## TWENTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES,

Saturday, January 18, 1879.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Davidson of the House.

On the call of the roll, the following members answered to their names :

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Bradford, Brooks, Caldwell, Campbell, Carson, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Patton, Pitts, Portis, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Lowndes, Steele, Stribling, Taylor, of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—82.

Journal of yesterday read and approved.

Leave of absence was granted Messrs. Fonville and Reynolds until Monday, and to Mr. Hudson (door-keeper,) for to-day on account of sickness, and to Mr. Smith of Autauga for to-day.

By leave,

Mr. Nicholson offered joint resolution,

Referring to the House bill, known as the Moffett register law, to the judiciary committees of the House and Senate.

The resolution was adopted.

By leave,

Mr. Walker, from the judiciary committee, reported a substitute for the bill—

H. B. 441½. Requiring certain offices declared vacant, and to authorize the filling of such vacancies.

The substitute being entitled an act,

H. B. 441½. Prescribing the practice in contested election cases, instituted under the provisions of the charter of the

city of Birmingham, authorizing appeals therein and empowering the governor to fill any vacancy that may be declared.

The substitute was adopted,

And the bill was ordered to a third reading forthwith, read the third time and passed—yeas 78, nays 5.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Billingslea, Bradford, Brooks, Caldwell, Campbell, Carson, Cochrane, Cooper, Culver, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Molett, Muldon, McCane, McCarron, McDougald, Nettles, Nicholson, Patton, Pitts, Portis, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Waller, Willett, Williams, Woolf--78.

Nays—Messrs. Boger, Curtis, Clark of Conecuh, Clark of Lawrence and Steele—5.

By leave,

Mr. Taylor of Choctaw withdrew the motion made by him to reconsider the vote by which the Senate bill—

s. 39. To prohibit the granting of license and sale of spirituous liquors within five miles of West Bend academy and church, in Clarke county,

Passed.

And also the vote ordering the bill to a third reading.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,

January 18, 1879.

*Mr. Speaker :*

The Senate has passed the following House bills :

H. B. 62. To repeal an act to regulate the number of persons drawn to serve as petit jurors for the county of Marion ;

H. B. 167. To repeal an act to enlarge the jurisdiction of justices of the peace in Sumter county north of the line dividing townships twenty and twenty-one in said county, approved March 17, 1875 ;

H. B. 231. To repeal an act to authorize the court of county

commissioners of Escambia county to levy and collect a special tax for county purposes;

H. B. 250. To prevent the obstruction of fish from running up Choctawhatchie river.

And has originated and passed the following bills:

s. 41. To better secure the fees of officers payable out of the fine and forfeiture fund of the counties of Sumter and Choctaw;

s. 104. To amend section 2349 of the Code;

s. 117. To repeal all special acts relating to the fees of judge of probate, justices of the peace, notaries public and constables, in Montgomery county;

s. 124. To divide the State into three (3) chancery divisions.

W. L. CLAY,  
Secretary of Senate.

The Senate bills (s. 124, s. 117, s. 104, s. 41,) just received (whose titles are set forth in the above message)—

Were severally read once and ordered to a second reading on to-morrow.

#### SPECIAL ORDER.

Mr. Foster of Barbour, moved to postpone the special order for a few moments to allow the judiciary committee to report a bill.

Agreed to.

Mr. Woolf, from the judiciary committee, reported favorably, to the bill—

H. B. 497. To change and to prescribe the time of holding the chancery courts for the counties of Shelby, Calhoun, Cleburne, Clay and Randolph.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 80, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Billingslea, Boger, Bradford, Brooks, Caldwell, Campbell, Carson, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Critcher, Dark, Davis, Davidson, Dawson, Dolive, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Lawrence, Lee, Legg, Lowther, Lyons, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pitts, Portis,

Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Woolf, Winn—80.

By leave,

Mr. Willett introduced a bill—

H. B. 526. To provide for the valuation and assessment of railroads in this State ;

Which was read once and ordered to a second reading on to-morrow.

By leave—

Mr. Betts, from the committee on ways and means, reported back to the House the bill—

H. B. 395. To authorize the auditor to draw his warrant in favor of N. G. & C. G. Sanford.

And asked its reference to the committee on accounts and claims.

It was so ordered.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,

January 18, 1879.

*Mr. Speaker:*

The President of the Senate having signed the following bill, your signature is requested :

s. 118. To amend section 1373 of the Code.

W. L. CLAY, Secretary.

#### SIGNING SENATE BILL.

And the Speaker, in the presence of the House, immediately after the title had been publicly read, signed said bill.

The House then proceeded to the consideration of the bill—

H. B. 15. To regulate and establish a system of public instruction.

The question pending being the substitute reported by the committee on education.

Mr. Hand moved—

To amend section 36, page 16, by adding thereto the following :

Provided, That where a community has not the number of

pupils required by this section, and there is no school within a reasonable distance for the children in such neighborhood to attend, the parents or guardians may employ their own teachers and draw the pro rata share of the public school fund for the time each pupil shall actually attend such school, when, in the judgment of township superintendent, such school is an absolute necessity.

Mr. Nicholson moved—

To amend the amendment by adding:

“Provided further, That in case there is no school established as prescribed in the first proviso to this section, then such parents or guardians may send their children who are within the educational ages, to some school in the State and receive the pro rata share of the public school fund that they are entitled to from the township in which they reside.”

Mr. Hand accepted the amendment of Mr. Nicholson.

On motion of Mr. Griggs—

The amendment was laid on the table.

Mr. Waller moved—

To amend section 36, line 7, by inserting after the word “ages” the following: “If there are more than ten children of each race within such ages.”

The amendment was adopted.

Mr. Hughes moved—

To amend section 46, page 19, by adding: “And they shall also be allowed the sum of twenty-five dollars per annum, to be paid quarterly as teachers are paid.

Which, on motion of Mr. Stribling—

Was laid on the table.

Mr. Culver moved—

To amend section 46 by adding at the close of said section these words: “Said township superintendent shall receive for their services two dollars per diem while actively engaged in the discharge of their duties, but in no case is he to be paid per diem for more than five days.”

Which, on motion of Mr. Taylor of Lauderdale—

Was laid on the table.

Mr. Armstrong moved—

To amend section 41, article 3, chapter 2, by way of a substitute.

The amendment was lost.

Mr. Woolf moved—

To amend by striking out sections 2 and 3, page 2, and inserting as subdivision 8 the following:

8. All licenses which are by law required to be paid into

the school fund of any county, the same to be expended for the benefit of the public schools in such county, and all such license tax shall be promptly paid by the probate judge, or such person collecting such tax, to the county superintendent of education.

The amendment was adopted.

Mr. Woolf moved—

To amend as follows :

At the end of section 18, page 10, add the following :

Provided, That whenever the tax collector of any county shall have paid to the county superintendent more money on account of the poll tax for any one or more years, that may be due on a final settlement for such year or years—and the same has been expended for the support of the schools of such county—then, and in that event, the said county superintendent shall refund the same to such tax collector out of any future sum collected and paid over to him on account of the poll tax.

Provided, That such payment and settlement shall be certified to be correct by the auditor of the State and the superintendent of education.

The amendment was adopted.

Mr. Davis moved—

To amend by striking out the words “county superintendent of education” wherever they occur in the bill, and inserting in lieu thereof “probate judge.”

Which, on motion of Mr. Foster, of Barbour—

Was laid on the table—yeas 50, nays 28.

Yeas—Messrs. Speaker, Armstrong, Ash, Betts, Billingslea, Bowdon, Bradford, Brooks, Caldwell, Cochrane, Culver, Clark of Mobile, Critcher, Davidson, Dawson, Dolive, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Hand, Heacock, Hughes, Huey, Hutto, James, Jolley, Lawrence, Lowther, Lyons, Massey, Molett, McCane, McCarron, McDougald, McIlwain, Nettles, Patton, Pitts, Purifoy, Ralls, Riley, Rushing, Sharpe, Taylor of Choctaw, Waller, Willett, Williams, Woolf—50.

Nays—Messrs. Akers of Jefferson, Akers of Marion, Alexander, Bailey, Boger, Cooper, Curtis, Clark of Lawrence, Crutcher, Dark, Davis, Evans, Foshee, Gilbert, Hearn, Jack, Kennedy, Lee, Legg, Owens, Ramsey, Sanders of Lamar, Sheid, Steele, Taylor of Lauderdale, Thompson Walker, Winn—28.

Mr. Stribling moved—

To amend by adding these words to section 39 :



"Provided, That nothing herein contained shall prevent the county superintendents from paying over to teachers at any time, during the progress of the schools, not more than one-third of the amount due such teacher."

The amendment was lost.

Mr. Taylor of Lauderdale, moved to amend section 26, by striking out the words "two per cent," in line 2, and inserting in line thereof, "one per cent."

Mr. Culver moved to lay the amendment on the table.

Lost—yeas 28 ; nays 47.

Yeas—Messrs. Ash, Bailey, Brooks, Caldwell, Cochrane, Culver, Clark of Mobile, Foster of Barbour, Griggs, Hand, James, Lee, Lyons, McDougald, McIlwain, Nettles, Nicholson, Patton, Pitts, Ralls, Riley, Sharpe, Stribling, Taylor of Choctaw, Waller, Willett, Williams, Woolf—28.

Nays—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Betts, Billingslea, Boger, Bowdon, Bradford, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Critcher, Crutcher, Dark, Davis, Dawson, Evans, Foshee, Foster of Macon, Fuller, Fletcher, Gilbert, Hearn, Heacock, Hughes, Jack, Kennedy, Lawrence, Legg, Lowther, Massey, Molett, McCane, Owens, Purifoy, Ramsey, Reynolds, Rushing, Sanders of Lamar, Sheid, Steele, Taylor of Lauderdale, Thompson, Walker, Winn—47.

Pending the consideration of the amendment, on motion of Mr. Foster of Barbour, the further consideration of the bill was postponed and made the special order for 12 M. Monday, next.

By leave Mr. Betts presented petition of certain citizens of Madison county, in opposition to the bills introduced in the House, to reduce the fees of judge of probate and register in chancery of Madison county ;

The petition was referred to the committee on fees and salaries.

Mr. Smith of Mobile, submitted the following report :

*Mr. Speaker :*

Your joint committee appointed to inquire and report on what day the present session of the General Assembly of Alabama must terminate by constitutional limitation, unanimously report as its opinion :

That, under the constitutional provisions, the General Assembly of Alabama may remain in session fifty days of actual sitting ; and therefore it must adjourn not later than Thurs-

day, the 13th day of February, A. D. 1879, at 12 o'clock at night of that day, should no necessity require any further recess.

J. LITTLE SMITH,  
THOS. WILLIAMS,  
WM. A. WALKER,  
of House.  
D. S. TROY,  
DAVID BUELL,  
of Senate.

The report was concurred in.

Oo motion of Mr. Foster of Barbour, the Senate joint resolution, appointing joint committee to consider and locate boundary lines of certain counties therein named, and to report,

Was taken up and adopted.

On motion of Mr. Lyons, the bill

H. B. 155. To prevent camp hunting in the county of Escambia,

Was recommitted to the select committee on game laws.

#### INTRODUCTION OF BILLS.

By leave, bills were introduced as follows:

By Mr. Boger—

H. B. 527. For relief of Samuel W. Wallace, of the county of Lawrence.

By Mr. Clark of Mobile—

H. B. 528. To amend section 5029 of the Code.

By Mr. Smith of Mobile—

H. B. 529. To amend section 3289 of the Code of Alabama of 1876.

By Mr. Fuller—

H. B. 530. To protect the rights of persons imprisoned or restrained of their liberty.

By Mr. Walker—

H. B. 531. Imposing a tax, and prescribing the mode of collecting the same on the privilege of selling wine, alcoholic, or malt liquors, within the limits of the State of Alabama, for the support of the government, and to pay the interest on the public debt.

By Mr. Akers of Jefferson—

H. B. 532. Requiring the court of county commissioners to see that tax assessors perform the duties imposed on them by the revenue laws of the State.

Also—

H. B. 533. To require tax collectors to make annual settlements with the court of county commissioners, and for other purposes.

By Mr. Jolley—

H. B. 534. To require fines and forfeitures in Mobile county, to be hereafter paid and collected in lawful money of the United States.

Also—

H. B. 535. To exempt certain property employed in steam transportation, and in manufacturing, from taxation for a period of years.

By Mr. Hughes—

H. B. 536. To limit the spring and summer terms of the circuit court of Butler county.

By Mr. Huey—

H. B. 537. To continue in force an act to incorporate the Perry Insurance and Trust Company, for fifteen years after the third day of February, A. D. 1881, and to change the name of said company.

By Mr. James—

H. B. 538. For the better enforcement of contracts.

By Mr. Betts—

H. B. 539. To require tax collectors to assess and collect taxes upon persons and property which have escaped assessments.

By Mr. Williams—

H. B. 540. For the relief of John R. Brooks.

Also,

H. B. 541. To amend section 1 of an act to define the corporate limits of the city of Wetumpka.

By Mr. Willett—

H. B. 542. For the relief of Mrs. L. S. Coleman, a teacher of a public school.

Also,

H. B. 543. For the relief of Ferrell Stringfellow of Pickens county.

By Mr. Lee—

H. B. 544. To authorize constables to levy attachments in certain cases.

By Mr. Hearn—

H. B. 545. For the relief of Henry R. D. Treadwell of Randolph county.

By Mr. Armstrong—

H. B. 546. For the relief of Leroy Howell of the county of Chambers.

By Mr. Steele—

H. B. 547. To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous, or malt liquors within three miles of Spring Creek church, in Colbert county.

Also,

H. B. 548. For the relief of Thomas S. Hall of Colbert county.

By Mr. Evans—

H. B. 549. To provide for the better protection of cemeteries and burial places, public or private.

By Mr. Taylor of Choctaw—

H. B. 550. To amend section 611 of the Code, relating to the times and places of holding courts in the western chancery division.

By Mr. Bradford --

H. B. 551. For the preservation of game animals and birds in the counties of Mobile, Monroe, Marengo, Baldwin, Dallas, Lowndes, Hale, Montgomery, Clarke and Greene.

Also,

H. B. 552. To repeal an act for the preservation of game animals and birds in the counties of Mobile, Choctaw, Monroe, Clarke, Washington, Baldwin, Marengo, Lowndes, Sumter, Escambia, Hale, Dallas, Montgomery and Greene.

By Mr. Riley—

H. B. 553. For the relief of S. A. Danphin, tax collector of Covington county.

By Mr. Cochrane—

H. B. 554. The better to protect landlords of any rented house or room.

Which bills were severally read once, and ordered to a second reading on to-morrow.

Mr. Akers of Jefferson, by leave, offered the following resolution, which was adopted:

*Resolved by the House of Representatives,* That the warden of the penitentiary be, and he is hereby required to make a report in writing to the present General Assembly, at as early a day as possible, the number of convicts hired out by him as said warden, the dates of the hiring, the time for which each convict is hired out, the person or persons to whom they are hired, and the price per year, per month, or per day, as the case may be, at which each of said convicts is hired out.

## BILLS ON SECOND READING.

The bills—

H. B. 499. For relief of R. I. Sewell, of the county of Talapoosa.

H. B. 500. To make the fees of the officers of courts of Wilcox county, in certain criminal cases, receivable in payment of debts due said county for fines and forfeitures.

H. B. 524. For the relief of Manning C. Spradley of Shelby county.

Were severally read the second time and referred to the committee on local legislation.

The bills—

H. B. 501. To amend section 411 of the Code of Alabama.

H. B. 502. To amend section 409 of the Code of Alabama.

H. B. 511. To prescribe the mode of collecting the taxes of Dallas county.

H. B. 518. To provide for and prescribe the time of redemption of lands sold for taxes in 1869.

Were severally read the second time and referred to the committee on ways and means.

The bill—

H. B. 503. To prevent the depredation of stock in a portion of the county of Greene therein described.

Was read the second time and referred to the committee on agriculture and commerce.

The bills—

H. B. 504. To incorporate the Alabama Orphan School at Mountain Home, Lawrence county, Alabama.

H. B. 509. For the relief of Mrs. Margaret A. Johnson of Perry county.

And the Senate bill—

s. 165. To establish a school district in Conecuh county, to be known as the Evergreen school district.

Were severally read the second time and referred to the committee on education.

The bills—

H. B. 505. To prevent the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors within one and a half miles of Asbury camp ground, in Monroe county.

H. B. 508. To prohibit the sale, or giving away, or otherwise disposing of spirituous, vinous, or malt liquors outside the limits of every incorporated town in the county of Montgomery.

H. B. 521. To repeal an act prohibiting the sale of spiritu-

ous liquors within two miles of the academy at Haw Ridge, in the counties of Dale and Coffee;

Were severally read the second time and referred to the committee on temperance.

The bills—

H. B. 506. To amend section 2262 of the Code.

H. B. 507. To prevent injurious delays in the administration of justice.

H. B. 512. To authorize sureties on official and other bonds to waive exemption under the constitution and laws of Alabama;

H. B. 516. To amend subdivision 1 of section 3820 of the Code of Alabama of 1876.

H. B. 517. To provide for the appointment of county prosecuting attorney;

H. B. 519. To provide for the transfer or change of venue of certain causes in the circuit court;

H. B. 522. To repeal an act to consolidate the fund of fines and forfeitures and the general fund of the county of Marengo, approved Feb. 13, 1871.

H. B. 523. To protect persons who have given mortgages or crop liens upon personal property, or growing crops, from extortion, and to regulate the proceedings in such cases;

And the Senate bill—

s. 148. To amend section 629 of the Code;

Were severally read the second time and referred to the judiciary committee.

The bills—

H. B. 510. To amend sections 2, 3, 38, 39, 40, 45, 46, 47, 48, 49, 50, 51, 54 of the charter of the city of Selma;

H. B. 514. To amend section 1821 of the Code of 1876;

Were severally read the second time and referred to the committee on corporations.

The bills—

H. B. 513. To change the boundary line between the counties of Cleburne and Calhoun;

H. B. 520. To change the boundary line between the counties of Coffee and Crenshaw.

Were severally read the second time, and referred to the committee on counties and county boundaries.

The bill—

H. B. 515. For the relief of the Perdido Bay Lumber Company;

Was read the second time and referred to a select committee of five.

H. B. 525. To authorize the erection of gates across public roads.

Was read the second time and referred to the committee on public roads and highways.

The Senate bill—

s. 126. For the relief of John H. Harris of the county of Lawrence;

Was read the second time, and referred to the committee on accounts and claims.

The resolution of Mr. Fletcher, amending the rules, was adopted.

On motion of Mr. Hand, the House adjourned until Monday morning 10 o'clock.

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## TWENTY-NINTH DAY.

HOUSE OF REPRESENTATIVES,  
MONDAY, January 20, 1879.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Andrews.

On the call of the roll the following members answered to their names:

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—91.

Journal of Saturday read and approved.

Mr. Walker was permitted to have his name stricken from the list of yeas as recorded on the passage of the bill—

H. B. 441½. Prescribing the practice in contested election

cases instituted under the charter of Birmingham, he having voted in the affirmative, giving as his reasons therefor that he was one of the attorneys employed in the contested election case instituted under the charter of Birmingham to try the right of certain persons to the offices of mayor and aldermen, and while he felt satisfied that this fact did not disqualify him from voting, yet he preferred not to vote on the bill.

#### ENROLLED BILLS—SIGNING BILLS.

Mr. Fletcher, from the committee on enrolled bills, reported as correctly enrolled the following bills, and the Speaker, in the presence of the House, immediately after the titles had been publicly read, signed said bills.

H. B. 62. To repeal an act to regulate the number of persons drawn to serve as petit jurors for the county of Marion.

H. B. 167. To repeal an act to enlarge the jurisdiction of justices of the peace in Sumter county, north of the line dividing townships twenty and twenty-one in said county, approved March 17th, 1875.

H. B. 231. To repeal an act to authorize the court of county commissioners of Escambia county to levy and collect a special tax for county purposes.

H. B. 250. To prevent the obstruction of fish from running up Choctawhatchie river.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,

January 20, 1879.

*Mr. Speaker :*

The President of the Senate having signed the following bills, your signature is requested to the same :

s. 39. An act to prohibit the granting of license and sale of spirituous liquors within five miles of West Bend academy and church in Clarke county.

W. L. CLAY,  
Secretary.

#### SIGNING BILL.

And the speaker, in the presence of the House, immediately after the title had been publicly read, signed the said bill.

Leave of absence was granted—



Mr. Crutcher five days on account of sickness.  
Messrs. Alexander, McCane and Hutto one day on account of sickness.

Also—

Mr. Hudson (door-keeper) one day on account of sickness.

#### BILLS ON SECOND READING.

The bills—

H. B. 532. Requiring the court of county commissioners to see that tax assessors perform the duties imposed on them by the revenue laws of the State.

H. B. 526. To provide for the valuation and assessment of railroads in this State.

H. B. 533. To require tax collectors to make annual settlements with the court of county commissioners and for other purposes.

H. B. 535. To exempt certain property employed in steam transportation, and in manufacturing, from taxation for a period of years.

H. B. 539. To require tax collectors to assess and collect taxes upon persons and property which have escaped assessment.

H. B. 543. For the relief of Terrell Stringfellow, of Pickens county.

H. B. 546. For the relief of Leroy Howell, of the county of Chambers.

H. B. 548. For the relief of Thomas S. Hall, of Colbert county.

H. B. 549. To provide for the better protection of cemeteries and burial places; public or private.

Were severally read the second time and referred to the committee on ways and means.

The bill—

H. B. 527. For the relief of Samuel W. Wallace, of the county of Lawrence.

Was read the second time and referred to the committee on appropriations.

The bill—

H. B. 528. To amend section 5029 (3516) of the Code.

Was read the second time and referred to the committee on fees and salaries.

The bills—

H. B. 529. To amend section 3289 of the Code of Alabama of 1876.

H. B. 530. To protect the rights of persons imprisoned or restrained of their liberty ;

H. B. 534. To require fines and forfeitures in Mobile county to be hereafter paid and collected in lawful money of the United States ;

H. B. 544. To authorize constables to levy attachments in certain cases ;

H. B. 550. To amend section 611 of the Code relating to the times and places of holding courts in the western chancery division ;

H. B. 554. The better to protect landlords of any rented house or room.

And the Senate bills—

s. 104. To amend section 2349 of the Code ;

s. 124. To divide the State into three (3) chancery divisions ;

s. 139. For the better protection of passengers in railroad cars in this State ;

Were severally read the second time and referred to the judiciary committee.

The bill—

H. B. 531. Imposing a tax and prescribing the mode of collecting the same on the privilege of selling wine, alcoholic or malt liquors, within the limits of the State of Alabama for the support of the government, and to pay the interest on the public debt ;

Was read the second time and referred to the judiciary committees of the Senate and House.

The bills—

H. B. 536. To limit the spring and summer terms of the circuit court of Butler county ;

H. B. 553. For the relief of S. A. Dauphin, tax collector of Covington county.

And the Senate bill—

s. 117. To repeal all special acts relating to the fees of judge of probate, justices of the peace, notaries public and constables, in Montgomery county ;

Were severally read the second time and referred to the committee on local legislation.

The bills—

H. B. 537. To continue in force an act to incorporate the Perry Insurance and Trust Company for fifteen years after the third day of February, A. D. 1881, and to change the name of said company ;

H. B. 541. To amend section one of an act to define the corporate limits of the city of Wetumpka;

Were severally read the second time and referred to the committee on corporations.

The bill—

H. B. 538. For the better enforcement of contracts;

Was read the second time and referred to the committee on agriculture and commerce.

The bills—

H. B. 540. For the relief of John R. Brooks;

H. B. 547. To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, within three miles of Spring Creek church, in Colbert county;

Were severally read the second time and referred to the committee on temperance.

The bill—

H. B. 542. For the relief of Mrs. L. S. Coleman, a teacher of a public school;

Was read the second time and referred to the committee on education.

The bill—

H. B. 545. For the relief of Henry R. D. Treadwell of Randolph county;

Was read the second time and referred to the committee on privileges and elections.

The bill—

H. B. 552. To repeal an act entitled an act for the preservation of game animals and birds, in the counties of Mobile, Choctaw, Monore, Clarke, Washington, Baldwin, Marengo, Lowndes, Sumter, Escambia, Hale, Dallas, Montgomery and Greene;

Was read the second time and referred to the committee on game laws.

The bill—

H. B. 551. For the preservation of game animals and birds in the counties of Mobile, Monroe, Marengo, Baldwin, Dallas, Lowndes, Hale, Montgomery, Clarke and Greene;

Was read the second time.

Mr. Purifoy moved to include Wilcox county.

Mr. Barnett moved to include Pike county.

Mr. Winn moved to exclude the county of Clarke.

The bill, with the amendments, was referred to the committee on game laws.

The Senate bill—

S. 41. To better secure the fees of officers payable out of

the fine and forfeiture fund of the counties of Sumter and Choctaw;

Was read the second time and referred to the committee on fees and salaries.

#### SENATE BUSINESS.

The House concurred in the Senate amendment to the bill—

H. B. 43. To amend section five of an act entitled an act to establish a court of revenue for the county of Wilcox—yeas 75, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Boger, Bowdon, Boykin, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Dark, Davis, Dawson, Dolive, Foshee, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Hughes, Huey, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lyons, Martin, Massey, Molett, Muldon, McCarron, McDougald, Nettles, Nicholson, Owens, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—75.

Nay—Mr. Patton—1.

#### UNFINISHED BUSINESS.

The House proceeded to the consideration of the bill—

H. B. 273. To enable married women whose husbands are insane or *non compos mentis* to convey real estate.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 80, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Dark, Davis, Dawson, Dolive, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Haigler, Hand, Hearn, Hughes, Huey, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of La-

mar, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—80.

#### CALL OF THE COUNTIES.

On the call of the counties bills were introduced :

By Mr. Dolive—

H. B. 555. For the relief of Daniel H. Moniac, tax collector of Baldwin county.

Also,

H. B. 556. To prohibit hunting or shooting on Sunday in Baldwin county.

Also,

H. B. 557. To amend section 450 of the Code of 1876.

By Mr. Foster of Barbour—

H. B. 558. To secure the return to the State of the volumes of Alabama Reports now in the hands of those who were county solicitors, or other persons.

Also,

H. B. 582½. To amend section 4370 of the Code.

Also,

H. B. 559. For the relief of Wm. A. Hudson.

Also,

H. B. 560. To amend sections 1, 2, 3 and 13 of an act to incorporate the town of Clayton, in the county of Barbour.

By Mr. Taylor of Choctaw—

H. B. 561. To provide for the pay of witnesses regularly summoned before the grand juries of the several counties in this State, in cases in which "no bill is found."

Also,

H. B. 562. To amend section 2711 of the Code.

By Mr. Winn—

H. B. 563. To require voters to exhibit their tax receipts to the inspectors of elections before voting.

Also,

H. B. 564. To reduce the rate of taxation in this State.

By Mr. Kennedy—

H. B. 565. To incorporate Ragan's chapel, in Clay county.

By Mr. Thompson—

H. B. 566. For the relief of Thomas Pinson, Allen Pinson, and Mary J. Pinson, of Coosa county.

By Mr. Bailey—

H. B. 567. To prohibit the sale or giving away liquor in the village of Echo, Dale county, or in two miles thereof.

By Mr. Boykin—

H. B. 568. To provide for the adjustment, compromise and payment of the bonds issued by Dallas county to the New Orleans and Selma railroad company and immigration association.

By Mr. Molett—

H. B. 569. To incorporate the West Dallas agricultural and mechanical association of Dallas county, Alabama.

By Mr. McIlwain—

H. B. 570. To prohibit the sale of malt, vinous or spirituous liquors within five miles of Adams Grove church, in Dallas county.

By Mr. Jack—

H. B. 571. To regulate the fees for issuing and recording marriage licenses in this State, and celebrating rites of matrimony.

Also,

H. B. 572. To amend section 4860 of the Code of Alabama.

By Mr. Lyons—

H. B. 573. To amend subdivision 21 of section 495 of the Code.

By Mr. Reynolds—

H. B. 574. For the protection of agricultural laborers and their employees.

Also,

H. B. 575. To amend section 4170 of the Code of 1876.

Also,

H. B. 576. To require the registration of title deeds and conveyances of real estate.

By Mr. Waller—

H. B. 577. To require sheriffs to keep a record of all prisoners.

Also,

H. B. 578. To regulate the payment of officers' fees and costs in cases where parties are convicted and sentenced to the penitentiary.

By Mr. Campbell—

H. B. 579. To repeal an act entitled an act to prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors within one mile of the Methodist church in the town of Larkinsville, in the county of Jackson, approved March 28. 1873.

By Mr. Evans—

H. B. 580. To maintain justice between the creditor and debtor, and to protect the people of Alabama.

By Mr. Akers of Jefferson—

H. B. 581. To amend section 3473 of the Code of 1876.

Also,

H. B. 582. Imposing a tax upon the sales of wine, alcoholic or malt liquors throughout the State of Alabama.

By Mr. Taylor of Lauderdale—

H. B. 583. To amend section 1632 of the Code of Alabama of 1876.

Also,

H. B. 584. To amend section 2166 of the Code of Alabama.

Also,

H. B. 585. To amend sections 1974, 1952, 1959, 1971, 1975, and repeal sections 1984, 1985 of the Code of Alabama, relating to free banking corporations.

By Mr. Lowther—

H. B. 586. To amend section 499 of the Code.

By Mr. Fletcher—

H. B. 587. To authorize the appointment of official reporters, and the preservation of evidence in certain cases.

By Mr. Woolf—

H. B. 588. To regulate the pay for ex officio services of judges of probate, sheriffs, and clerks of the circuit and city courts of this State.

By Mr. Critcher—

H. B. 589. To authorize the establishment of a normal school at Warrenton, in the county of Marshall.

Also,

H. B. 590. To amend an act, approved March 19, 1875, so far as the same relates to the county of Marshall.

By Mr. Jolley—

H. B. 591. To provide for a county solicitor for Mobile county.

By Mr. Clark of Mobile—

H. B. 592. For the relief of C. E. Thames & Co.

By Mr. Smith of Mobile—

H. B. 593. To amend section 3025 of the Code of Alabama.

Also,

H. B. 594. To regulate the distribution of the fees of the wardens of the port of Mobile.

By Mr. Speaker (Mr. Willett in the chair)—

H. B. 595. To cede to the United States, jurisdiction over such lot of land in the city of Montgomery as may be purchased by the United States.

Also,

H. B. 596. To refund excess of licenses paid.

Also,

H. B. 597. To authorize the Governor to compromise claims in favor of the State.

By Mr. Lawson—

H. B. 598. To encourage the building of a canal at Muscle Shoals.

By Mr. Smith of Mobile—

H. B. 599. To regulate the handling, storage and sale of cotton in Mobile, and to protect such cotton from depredations.

By Mr. Lawson—

H. B. 600. To fix the salary of the judge of the city court of Montgomery.

By Mr. Sharpe—

H. B. 601. To incorporate the town of Falkville, in the county of Morgan.

Also,

H. B. 602. To prescribe additional duties for circuit solicitors in this State.

By Mr. Barnett—

H. B. 603. For the relief of E. T. Crittenden, citizen of Pike county.

By Mr. Pitts—

H. B. 604. To provide for the establishing of a separate school district, to be known as the Helena district, in Shelby county.

By Mr. McDougald—

H. B. 605. To repeal an act to prohibit the sale of spirituous or vinous liquors within two miles, in any direction, of Glennville male and female academy in the county of Russell, approved Dec. 19, 1871.

By Mr. Ash—

H. B. 606. To amend section 2678 of the Code.

Also,

H. B. 607. To amend section 2681 of the Code.

By Mr. Ramsey—

H. B. 608. To amend subdivision 12 of section 494 of the Code.

By Mr. Heacock—

H. B. 609. To reduce the compensation of assessors and collectors of taxes in this State.

By Mr. Pearson—

H. B. 610. To regulate the form of indictments in the State of Alabama.

By Mr. Cochrane—



H. B. 611. To establish the Warrior agricultural district, to provide for the securing of the same and the management of its affairs.

Also,

H. B. 612. To provide for the change and abolishment of election precincts in certain cases not otherwise provided by law.

Also,

H. B. 613. To regulate the fees of solicitors on fines and forfeitures.

By Mr. Stribling—

H. B. 614. To authorize W. B. Ramsower of Washington county to peddle without license.

By Mr. Purifoy—

H. B. 615. To amend section 368 of the Code.

By Mr. Steele—

H. B. 616. To consolidate the fund of fine and forfeitures and the general fund of the county of Colbert.

By Mr. Speaker (Mr. Willett in the chair)—

H. B. 617. For the relief of W. R. Adams of Montgomery county.

Which bills were severally read once, and ordered to a second reading on to-morrow.

Mr. Lyons presented petition for relief of D. L. Roberts of Escambia county.

Which was referred to the committee on ways and means.

Mr. Foster of Barbour presented memorial of the synod of the Presbyterian church in Alabama.

Which was read and referred to the committee on education.

Mr. Ralls presented memorial of citizens of Cleburne county in regard to the unlawful conduct of certain United States officials.

Which was referred to the committee on Federal relations.

Mr. Boykin presented petition of citizens of Martin's station, Dallas county, in opposition to allowing spirituous liquors sold at said place.

Which was referred to the committee on temperance.

Mr. Lawrence offered the following resolution, which was referred to the judiciary committee.

*Resolved*, That the judiciary committee be instructed to inquire into the propriety and expediency of adopting such legislation as may be necessary to require the judges of the circuit courts in this State to adopt a proper system of rotation in the performance of their official duties throughout

the State, and that said committee be requested to report by bill or otherwise.

Mr. Clopton offered the following resolution, which was adopted :

*Resolved*, That the committee on ways and means be directed to inquire into the expediency of cancelling the State obligations now in the treasury, and any others which may be hereafter paid into the treasury, when and as the same are thus paid in, and report by bill or otherwise.

*Resolved further*, That said committee be directed to inquire into the expediency and practicability of providing means for payment of the principal of said State obligations, when the same shall mature, or of using any surplus funds, which may now be or hereafter come into the treasury, in the retirement of said obligations, or any valid bonds of the State, and report by bill or otherwise.

Mr. Stribling offered the following resolution, which was adopted :

*Resolved*, That the door-keeper be instructed to furnish spittoons for each member of the House.

Mr. Lyons offered the following resolution, which lies over :

*Resolved*, That from and after this time, until the last week of the present session, this House will hold evening sessions, on Tuesdays and Thursdays, for the purpose of considering local bills.

Provided, That the House, at said evening sessions, may consider other business, if it so desires.

Mr. Davis presented petition and counter petition in regard to tax to build a school at Athens.

Which was referred to the committee on education.

#### SPECIAL ORDER.

The House then proceeded to the consideration of the bill—

H. B. 15 To organize and regulate a system of public instruction.

The question pending being the amendment of Mr. Taylor of Lauderdale.

The amendment was lost—yeas 32, nays 54.

Yeas—Messrs. Akers of Jefferson, Akers of Marion, Boger, Bowdon, Curtis, Clark of Conecuh, Clark of Lawrence, Dark, Davis, Dawson, English, Foshee, Fuller, Fletcher, Gilbert, Hearn, Hughes, Jack, Kennedy, Lawrence, Legg, McIlwain,

Owens, Pearson, Purifoy, Reynolds, Sanders of Lamar, Sheid, Steele, Taylor of Lauderdale, Thompson, Walker—32.

Nays—Messrs. Speaker, Armstrong, Ash, Bailey, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Mobile, Davidson, Dolive, Evans, Foster of Barbour, Foster of Macon, Griggs, Haigler, Hand, Heacock, Huey, Jolley, Kirkpatrick, Lawson, Lee, Lowther, Lyons, Martin, Massey, Molett, Muldon, McDougald, Nettles, Nicholson, Patton, Pitts, Ralls, Ramsey, Register, Riley, Rushing, Sharpe, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Choctaw, Waller, Willett, Williams, Woolf, Winn—54.

Mr. Lawrence moved to amend section 49, line 19, by striking out "nay," and insert the word shall.

Amend section 9, line 42, by striking out "ten," and inserting five.

The amendments were severally adopted.

Mr. Clopton moved to amend by adding at the end of the 4th subdivision, of section 33, on page 15 :

"And if it shall be deemed impracticable to establish in his township a public school for the children of either race, on account of a sufficient number of children of such race living within a reasonable distance, and who cannot be conveniently transferred to a public school in another township, he shall, in such case, determine the number of and what children of such race, in his township, shall be entitled to the benefits of the amount apportioned to his township, and the amount to which each child shall be entitled, and the same shall be paid by the county superintendent to the parents or guardians of such children, and take receipts therefor, as provided in case of the payment of teachers; Provided, no payment shall be made on account of any child, who does not actually attend some school in this State, the same length of time, during which the public schools are kept open, for the current scholastic year."

The amendment was adopted.

Mr. Massey moved to amend section 12, third line, by striking out the words "fifteen hundred," and inserting "one thousand."

Mr. Foster of Macon, moved to amend the amendment by striking out "one thousand," and inserting "twelve hundred."

Mr. Stribling moved to lay the amendment, and the amendment to the amendment, on the table.

Lost—yeas 22; nays 60.

Yeas—Messrs. Speaker, Armstrong, Ash, Bowdon, Brad-

ford, Brooks, Campbell, Cochrane, Clark of Mobile, Dolive, English, Hand, Jolley, Martin, McDougald, Pitts, Riley, Stribling, Waller, Williams, Woolf, Winn—22.

Nays—Messrs. Akers of Jefferson, Akers of Marion, Bailey, Barnett, Boger, Boykin, Cooper, Culver, Curtis, Clark of Conecuh, Dark, Davis, Davidson, Dawson, Evans, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hearn, Heacock, Hughes, Huey, Jack, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Massey, Molett, McIlwain, Nettles, Nicholson, Owens, Patton, Purifoy, Ralls, Ramsey, Register, Reynolds, Rushing, Sanders of Lamar, Sharp, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Lauderdale, Thompson, Walker, Willett—60.

The amendment to the amendment was adopted, and the amendment as amended was adopted.

Mr. Lawrence moved to amend section 13, line 2, by striking out the words "twenty two hundred and fifty," and inserting "two thousand," and adding at the close of the section, provided this shall not effect the salary of the present incumbent.

Mr. Molett moved to amend the amendment, by striking out "two thousand," and inserting "eighteen hundred dollars,"

Which, on motion of Mr. Stribling, was laid on the table,

And the amendment of Mr. Lawrence was adopted—yeas 68; nays 9.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Boger, Boykin, Brooks, Caldwell, Campbell, Cooper, Culver, Curtis, Critcher, Dark, Davis, Davidson, Dawson, Dolive, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Jack, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Molett, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Steele, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams—68.

Nays—Messrs. Cochrane, Haigler, Ralls, Smith of Mobile, Stribling, Taylor of Choctaw, Woolf, Winn—9.

Mr. Armstrong moved to amend as follows:

In section 15, lines 1 and 2, and in section 39, lines 1 and 2, amend by striking out "day" and inserting, "Saturday;"

The amendments were severally adopted.

Mr. Nicholson moved to amend, by inserting after the

words, "in his county," in the 9th line of section 20, on page 11.

He shall also report the manner in, and extent to which he has discharged the duties required by this act to be performed by him.

The amendment was adopted.

Mr. Culver moved to amend section 46, by way of a substitute as follows :

*Be it further enacted*, That the township superintendent shall receive for his services one dollar and fifty cents *per diem* for the time he is actually engaged in the duties of his office, and he shall not be engaged longer than five days during the year.

On motion of Mr. Hand the amendment was laid on the table.

Mr. Sheid moved to amend section 46, by way of a substitute, as follows :

Sec. 46. *Be it further enacted*, That the township superintendent, shall be entitled to one dollar per day, for his services, whilst they are in the discharge of their duties—not to exceed 5 days.

On motion of Mr. Huey, the amendment was laid on the table.

Mr. Bradford moved to amend by adding at the end of section 29, commencing on page 13 ; provided, that if in any township, no suitable and competent person can be procured to act as township superintendent, then three trustees shall be appointed by the county superintendent in and for such township, who shall perform the duties required by this act to be performed by the township superintendent, and be entitled to the same exemption.

On motion of Mr. Boger, the amendment was laid on the table.

Mr. Sharpe moved—

To amend as follows : Strike out the words "the failure of" where they occur in the first line of section 28, page 13, and insert the word "failing" between the word "education" and "to" at the beginning of the second line of said section.

Also—

Amend section 83 by way of a substitute.

The amendments were severally adopted.

Mr. Taylor of Choctaw moved—

To amend by additional section.

The amendment was adopted.

Mr. Lawrence moved—

To amend section 79, line 3, by striking out "ten" and inserting "five."

Mr. Lyons moved—

As a substitute for the amendment "five per cent. for collecting without litigation and not more than ten per cent. where there is litigation."

Which, on motion of Mr. Foster of Barbour—

Was laid on the table.

And the amendment of Mr. Lawrence was adopted.

Mr. Kirkpatrick moved—

To amend section 29 "so as to provide for the appointment of two township superintendents in place of one."

Which, on motion of Mr. Foster of Barbour—

Was laid on the table.

The sections of the bill were re-numbered.

The substitute, as thus amended, was then adopted.

Mr. Foster of Barbour called for the previous question.

The main question was ordered to be put by a unanimous vote.

And the bill was ordered to be engrossed for a third reading on to-morrow at 12 M.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,

January 20, 1879.

*Mr. Speaker :*

The Senate has concurred in the joint resolution referring the House bill—

H. B. 64. Known as the Moffett liquor law, to the judiciary committees of the House and Senate,

And has passed the following House bills :

H. B. 115. To provide for the impeachment and removal from office of the officers mentioned in section 2 and section 3 of article 7 of the constitution of Alabama.

H. B. 176. To regulate the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, within the corporate limits of the town of Prattville, in the county of Autauga.

H. B. 348. To prevent the sale, giving away, or otherwise disposing of spirituous, vinous, or malt liquors, within that portion of the city of Wetumpka which is on the west side of Coosa river.

H. B. 47. To prevent the sale, giving away, or otherwise disposing of spirituous, vinous, or other intoxicating liquors,

in one mile of the Baptist church; in the town of Victoria, Coffee county.

H. B. 52. To amend section 1586 of the Code.

And has amended, as therein shown, and passed House bill—

H. B. 50. To require a person who employs, or in any way engages, laborers in the counties of Dallas, Perry, Butler, Autauga, Wilcox, Washington, Barbour, Marengo, Pike, Montgomery, Covington, Monroe, Lowndes, Greene, Elmore, Macon, Talladega, Shelby, Bibb, Bullock, Lee and Tuscaloosa for the purpose of removing said laborers from the State, to pay a license tax.

And has originated and passed the following bills :

s. 68. To prescribe the venue of suits against corporations.

s. 172. To authorize the owners of lots Nos. 186, 187, 188, 189, 190 and 191 in the town of Gadsden to remove the remains of persons buried on said lots.

s. 169. To repeal section four of an act entitled an act to authorize the city council of Eufaula to adjust and settle all claims of indebtedness now outstanding against said city, approved February 6, 1877.

s. 186. To amend section 731 of the Code, so far as it applies to Montgomery county.

s. 125. To amend an act entitled an act to change the boundary line between the counties of Blount, Walker and Jefferson, and to authorize the removal of the county seat of Blount county, approved February 8th, 1877.

W. L. CLAY,  
Secretary of Senate.

The Senate bills—

(s. 68, s. 172, s. 169, s. 125)—

The titles of which are set forth in the above message,

Were severally read once and ordered to a second reading on to-morrow.

Leave of absence was granted—

Mr. Fohville for two days.

On motion of Mr. Stribling—

The House adjourned until to-morrow morning, 10 o'clock.

## THIRTIETH DAY.

HOUSE OF REPRESENTATIVES,  
SATURDAY, January 21, 1879.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Andrews.

On the call of the roll, the following members answered to their names :

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Foshee, Foster of Barbour, Fuller, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor, of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—93.

Journal of yesterday read and approved.

## ENROLLED BILLS—SIGNING BILLS.

Mr. Fletcher, from the committee on enrolled bills, reported as correctly enrolled the following bills, and the Speaker, in the presence of the House, immediately after the titles had been publicly read, signed said bills :

H. B. 115. To provide for the impeachment and removal from office of the officers mentioned in section 2 and section 3, of article 7, of the constitution of Alabama ;

H. B. 348. To prevent the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, within that portion of the city of Wetumpka which is on the west side of Coosa river ;

H. B. 43. To amend section five of an act entitled an act to establish a court of revenue for the county of Wilcox, approved February 3, 1877 ;



H. B. 176. To regulate the sale, giving away, or otherwise disposing of spirituous, malt or vinous liquors, within the corporate limits of the town of Prattville, in the county of Autauga;

H. B. 52. To amend section 1586 of the Code;

H. B. 47. To prevent the sale, giving away, or otherwise disposing of spirituous, vinous or other intoxicating liquors, in one mile of the Baptist church, in the town of Victoria, Coffee county.

Mr. Woolf submitted the following report:

*Mr. Speaker:*

The joint committee, composed of the judiciary committee of the Senate and House, to whom was referred the House bill No. 64, known as the Moffett liquor law, have had the same under consideration, and instruct us to report that a bill embracing the principles therein set forth is constitutional, and that the passage of such a bill by the General Assembly is advisable; Provided, that the licenses for selling liquors shall not be changed or disturbed.

Your committee further report that it is the sense of the committee that such a bill is one to raise revenue, and they deem it proper that it should originate in the House, and for that reason, respectfully decline to prepare and present a bill in response to the second resolution by which the same was referred.

All of which is respectfully submitted.

H. A. WOOLF,  
Ch'n of Jud. Com. of House.

W. E. CLARKE,  
Ch'n Jud. Com. of Senate.

The report was concurred in.

Mr. Sheid submitted the following report, which was read and,

On motion of Mr. Woolf,

Was referred to the committee on education.

#### REPORT OF JOINT COMMITTEE TO VISIT STATE NORMAL SCHOOL AT FLORENCE.

*To the President of the Senate, and Speaker of the House:*

The joint committee to visit the State Normal college at Florence, report, with reference to its condition and wants, as required by the resolution referred to therein:

1. That on the 13th and 14th days of January, 1879, they visited the State Normal school at Florence, and examined members of the board of directors, the members of the faculty, and the students of the college in the several departments, and the county superintendent of education for Lauderdale county

2. That this school for the education of white male and female teachers, was established in the year 1872, in the buildings of the Florence Wesleyan University, which, with the appurtenances thereof, including two fine libraries, constitute one of the handsomest school buildings in the country, of the value of not less than fifty thousand dollars.

3. That with the appropriation made in consideration of the conveyance of the property above mentioned, the institution was organized in compliance with the acts of the legislature, in the department of English literature, ancient languages, mathematics, and moral and mental philosophy, and has been, and is now successfully conducted in those departments, with an average attendance of about one hundred and fifty students.

4. That there are now thirty-six female and eighty-nine male students, about one-half of whom are Normal scholars in this institution.

5. That these Normal scholars are admitted from every portion of the State, and reside in the several counties, and receive instructions free of the charge of tuition, upon signing a written obligation to teach two years in the public schools of Alabama, which obligation is filed in the office of the superintendent of education.

The committee find, from their examinations, that several graduates of the Normal school are already engaged in teaching and are of the highest grade of instructors. The committee quote the testimony of the county superintendent of education of Lauderdale county, with reference to these students: "The best teachers I have, are from the Normal college; all the people are pleased with the progress of those children in the school. The hope of the success of the school system, is in teachers like the Normal teachers; incompetent teachers will be ashamed to compete with them."

6. That the board of directors have performed the duties devolved on them by the statutes.

7. That the faculty consist of able and highly educated gentlemen, who are amply competent in their departments.

That in reference to the wants of the institution, the committee make two important recommendations:

1. That a change be made in the board of directors, so that they may be appointed by the governor and confirmed by the Senate, in order that they may be selected from different sections of the State, and the character of a State institution be thereby more thoroughly impressed on the institution.

2. That the annual appropriation for the support of the school be seventy-five hundred dollars.

The act provides for an appropriation of not less than five thousand dollars, which amount has been annually drawn. It has been found impossible, with this amount, to establish a chair of physical sciences, and to employ a lady teacher in the institution, or to purchase a chemical and philosophical apparatus, that belonging to the institution having been destroyed by the federals.

The committee recommend that twenty-five hundred dollars of the appropriation be devoted to these purposes, except enough to pay the actual expenses of the board of directors in going to and returning from their annual meetings.

W. J. WOOD, Chairman.

JNO. A. PADGETT,

JAMES M. SHEID.

#### MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,  
January 20, 1879.

*Gentlemen of the House of Representatives:*

I herewith lay before you for your information, the report of the trustees of the University of Alabama for the years 1876-7 and 1877-8, and, soliciting for it your respectful consideration, I especially direct your attention to the statement of the pressing needs of the University, for which the trustees represent themselves as unable to provide.

R. W. COBB, Governor.

On motion of Mr. Foster of Barbour, 1,000 copies of the report were ordered printed.

It was also, on his motion, ordered that 700 additional copies of the report of the president of the A. & M. College be printed.

## MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,  
MONTGOMERY, ALA., Jan. 20, 1879.

*Mr. Speaker:*

The Governor has approved the following bills, which originated in the House:

H. B. 62. To repeal an act to regulate the number of persons drawn to serve as petit jurors for the county of Marion.

H. B. 167. To repeal an act to enlarge the jurisdiction of justices of the peace in Sumter county, north of the line dividing townships twenty and twenty-one in said county, approved March 17, 1875.

H. B. 231. To repeal an act to authorize the court of county commissioners of Escambia county to levy and collect a special tax for county purposes.

H. B. 250. To prevent the obstruction of fish from running up Choctawhatchie river.

Very respectfully,

THOS. H. REYNOLDS,  
Recording Secretary.

By leave—

Mr. Nicholson offered the following resolution, which was adopted:

*Resolved*, That the bills reported back to this House from the committees on the judiciary of the two Houses, known as the Moffett liquor bills (H. B. 64 and 531), be recommitted to a select committee of five, with instructions to report thereon at the earliest practicable time.

Committee—Messrs. Nicholson, Woolf, Sharpe, Waller, and Walker.

## BILLS ON SECOND READING.

The bills—

H. B. 555. For the relief of Daniel A. Moniac, tax collector of Baldwin county.

H. B. 556. To prohibit hunting or shooting on Sunday in Baldwin county;

H. B. 568. To provide for the adjustment, compromise and payment of the bonds issued by Dallas county to the New Orleans and Selma Railroad Company and immigration Association.

H. B. 590. To amend an act approved March 19, 1875, so far as the same relates to the county of Marshall;

H. B. 591. To provide for a county solicitor for Mobile county;

H. B. 594. To regulate the distribution of the fees of the wardens of the port of Mobile;

H. B. 603. For the relief of E. T. Crittenden, citizen of Pike county;

H. B. 614. To authorize W. B. Ramsower of Washington county to peddle without a license;

H. B. 617. For the relief of W. R. Adams of Montgomery county;

And the Senate bill—

s. 172. To authorize the owners of lots Nos. 186, 187, 188, 189, 190 and 191 in the town of Gadsden to remove the remains of persons buried on said lots.

Were severally read the second time, and referred to the committee on local legislation.

The bills—

H. B. 557. To amend section 450 of the Code of 1876;

H. B. 558. To secure the return to the State of the volumes of Alabama reports now in the hands of those who were county solicitors, or other persons;

H. B. 561. To provide for the pay of witnesses regularly summoned before the grand juries of the several counties in this State, in cases in which no bill is found.

H. B. 562. To amend section 2711 of the Code.

H. B. 572. To amend section 4860 of the Code of Alabama;

H. B. 575. To amend section 4170 of the Code of 1876;

H. B. 576. To require the registration of title deeds and conveyances of real estate;

H. B. 577. To require sheriffs to keep a record of all prisoners.

H. B. 578. To regulate the payment of officers' fees and costs in cases where parties are convicted and sentenced to the penitentiary;

H. B. 580. To maintain justice between the creditor and debtor, and to protect the people of Alabama;

H. B. 581. To amend section 3473 of the Code of 1876;

H. B. 582½. To amend section 470 of the Code;

H. B. 584. To amend section 2166 of the Code of Alabama;

H. B. 587. To authorize the appointment of official reporters and the preservation of evidence in certain cases;

H. B. 588. To regulate the pay for ex officio services of

judges of probate, sheriffs, and clerks of the circuit and city courts of this State;

H. B. 593. To amend section 3025 of the Code;

H. B. 595. To cede to the United States jurisdiction over such lot of land in the city of Montgomery as may be purchased by the United States;

H. B. 597. To authorize the Governor to compromise claims in favor of the State;

H. B. 602. To prescribe additional duties for circuit solicitors in this State;

H. B. 606. To amend section 2678 of the Code;

H. B. 607. To amend section 2681 of the Code;

H. B. 610. To regulate the form of indictments in the State of Alabama;

H. B. 612. To provide for the change and abolishment of election precincts in certain cases not otherwise provided for by law.

H. B. 613. To regulate the fees of solicitors on fines and forfeitures;

And the Senate bill—

s. 186. To amend section 731 of the Code, so far as it applies to Montgomery county;

Were severally read the second time and referred to the judiciary committee.

The bills—

H. B. 559. For the relief of William A. Hudson;

H. B. 566. For the relief of Thomas Pinson, Allen Pinson, and Mary J. Pinson of Coosa county;

Were severally read the second time and referred to the committee on appropriations.

The bills—

H. B. 560. To amend sections 1, 2, 3 and 13 of an act to incorporate the town of Clayton in the county of Barbour;

H. B. 569. To incorporate the West Dallas Agricultural and Mechanical Association of Dallas county, of Alabama;

H. B. 586. To amend section 499 of the Code;

H. B. 601. To incorporate the town of Falkville in the county of Morgan;

And the Senate bill—

s. 169. To repeal section 4 of an act entitled an act to authorize the city council of Eufaula to adjust and settle all claims of indebtedness now outstanding against said city, approved Feb. 6, 1877.

Were severally read the second time and referred to the committee on corporations.

The bill—

H. B. 563. To require voters to exhibit their tax receipts to the inspectors of elections before voting;

Was read the second time, and referred to the committee on privileges and elections.

The bills—

H. B. 564. To reduce the rate of taxation in this State;

H. B. 573. To amend subdivision 21 of section 495 of the Code;

H. B. 585. To amend sections 1947, 1952, 1959, 1971, 1975, and repeal sections 1984 and 1985 of the Code of Alabama, relating to free banking corporations;

H. B. 596. To refund excess of licenses paid;

H. B. 608. To amend subdivision 12 of section 494 of the Code;

H. B. 609. To reduce the compensation of assessors and and collectors of taxes in this State;

H. B. 615. To amend section 368 of the Code;

H. B. 616. To consolidate the fund of fines and forfeitures and the general fund of the county of Colbert—

Were severally read the second time and referred to the committee on ways and means.

The bills—

H. B. 565. To incorporate Ragan's chapel, in Clay county;

H. B. 567. To prohibit the sale or giving away liquor in the village of Echo, Dale county, or in two miles thereof;

H. B. 590. To prohibit the sale of malt, vinous or spirituous liquors within five miles of Adams Grove church, in Dallas county;

H. B. 579. To repeal an act entitled an act to prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors within one mile of the Methodist church in the town of Larkinsville, in the county of Jackson, approved March 28, 1873;

H. B. 605. To repeal an act to prohibit the sale of spirituous or vinous liquors within two miles, in any direction, of Glennville male and female academy, in the county of Russell, approved December 19, 1871—

Were severally read the second time and referred to the committee on temperance.

The bills—

H. B. 571. To regulate the fees for issuing and recording marriage licenses in this State, and celebrating rites of matrimony;

H. B. 600. To fix the salary of the judge of the city court of Montgomery—

Were severally read the second time and referred to the committee on fees and salaries.

The bill—

H. B. 598. To encourage the building of a canal at Muscle Shoals—

Was read the second time and referred to committee on federal relations.

The bills—

H. B. 589. To authorize the establishment of a normal school at Warrenton, in the county of Marshall ;

H. B. 604. To provide for the establishment of a separate school district, to be known as the Helena district, in Shelby county—

Were severally read the second time and referred to the committee on education.

The bill—

H. B. 582. Imposing a tax upon the sales of wine, alcoholic or malt liquors throughout the State of Alabama—

Was read the second time and referred to the select committee on the Moffett liquor law.

The bills—

H. B. 599. To regulate the handling, storage and sale of cotton in Mobile, and to protect such cotton from depredation ;

H. B. 574. For the protection of agricultural laborers and their employers ;

H. B. 611. To establish the Warrior agricultural district, to provide for the securing of the same, and the management of its affairs ;

And the Senate bill—

s. 68. To prescribe the venue of suits against corporations,

Were severally read the second time and referred to the committee on agriculture and commerce.

The bill—

H. B. 583. To amend section 1632 of the Code of Alabama of 1876,

Was read the second time and referred to the committee on public roads and highways.

H. B. 592. For the relief of C. E. Thames & Co.,

Was read the second time and referred to the committee on accounts and claims.

The Senate bill—

s. 125 To amend an act entitled an act to change the boundary line between the counties of Blount, Walker and



Jefferson, and to authorize the removal of the county seat of Blount county, approved February 8, 1877,

Was read the second time and referred to the committee on counties and county boundaries.

#### SENATE BUSINESS.

The House next proceeded to the consideration of the Senate amendments to the bill—

H. B. 50. To require a person who employs or in any way engages laborers in the counties of Dallas, Perry, Butler, Autauga, Wilcox, Washington, Barbour, Marengo, Pike, Montgomery, Covington, Tallapoosa, Lowndes, Greene, Elmore, Macon, Talladega, Shelby, Bibb, Bullock, Lee, and Tuscaloosa, for the purpose of removing said laborers from the State, to pay a license tax.

The House concurred in the amendments including certain counties, viz :

Hale, Henry and Russell—

And striking out Monroe and inserting Tallapoosa.

Also, the amendment as to the title of the bill.

Yeas 66, nays 1.

Yeas—Messrs. Speaker, Akers of Marion, Ash, Bailey, Barnett, Betts, Boger, Bowdon, Boykin, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Conecuh, Clark of Mobile, Dark, Davis, Davidson, Dawson, Evans, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, McCane, McDougald, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Rallss, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Waller, Willett, Woolf, Winn—66.

Nay—Mr. Thompson—1.

The House next concurred in the amendment, to section 1—yeas 58; nays 15.

Yeas—Messrs. Alexander, Armstrong, Bailey, Barnett, Betts, Bowdon, Brooks, Caldwell, Cochrane, Culver, Curtis, Clark of C., Critcher, Dark, Davis, Davidson, Dawson, Foshee, Fuller, Fletcher, Gilbert, Griggs, Hand, Heacock, Hughes, Huey, Hutto, James, Kennedy, Lawson, Lee, Lowther, Lyons, Martin, McCane, McDougald, McIlwain, Nettles, Owens, Patton, Pearson, Pitts, Purifoy, Ramsey, Reynolds, Riley, Rushing,

Sanders of Lamar, Saunders of Madison, Sharpe, Smith of Autauga, Smith of Mobile, Stribling, Taylor of Lauderdale, Waller, Willett, Williams, Winn—58.

Nays—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Boger, Haigler, Hearn, Jack, Lawrence, Legg, Massey, Ralls, Sheid, Steele; Thompson, Woolf—15.

#### UNFINISHED BUSINESS.

The resolution of Mr. Lyons, in relation to holding evening sessions, was taken up.

Mr. Clark of Mobile, moved to amend, by striking out "Tuesdays and Thursdays," and inserting "Mondays, Wednesdays and Fridays."

On motion of Mr. Betts, the resolutions and amendment were laid on the table.

Mr. Purifoy, by leave, presented account of B. M. Lewy and son, for fixing the clock in the hall;

Which was referred to the committee on accounts and claims.

By leave, Mr. Foster of Macon, offered the following resolution, which was adopted :

*Whereas*, It has been suggested that the rate of taxation may be reduced, without impairing the credit of the State, and without detriment to the treasury, therefore ;

*Be it resolved*, That the Governor be requested, if not incompatible with the public interests, to furnish to the House of Representatives, all statistics and other information that may be in his possession, which would, or would not, justify the General Assembly in reducing the rate of taxation.

By leave, bills were introduced.

By Mr. Foster of Barbour—

H. B. 618. To regulate the holding of the circuit courts of Barbour county.

Also,

H. B. 619. To regulate the record of conveyances in Barbour county.

By Mr. Martin—

H. B. 620. To amend an act, to authorize the commissioners court of Russell county, to appoint a board of finance, and to issue the bonds of said county for the payment of the indebtedness thereof, approved March 17th, 1875.

Which bills were severally read once and ordered to a second reading on to-morrow.

By leave, Mr. Bradford offered joint resolution requesting our Senators and Representatives in Congress, to urge the passage of a law, allowing the distilling of fruits without paying a license therefor;

Which was adopted.

On motion of Mr. Woolf, the regular order of business was suspended, for the purpose of allowing committees to report.

Mr. Betts, from the committee on ways and means, reported favorably, with amendment, to the bill—

H. B. 259. To amend the act to reduce the rate of taxation in this State.

Amend 6th line of section 1 by striking out the words "one half" and inserting the words "six-tenths."

On motion of Mr. Bowdon—

The further consideration of the bill and report were postponed and made special order for Thursday, 23rd inst., at 12 m.

Mr. Betts, from the committee on ways and means, reported a substitute for the bill—

H. B. 326. To amend section 399 of the Code of Alabama.

The substitute was adopted—

And the bill ordered to a third reading forthwith, read the third time, and passed—yeas 80, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of M., Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Brooks, Caldwell, Campbell, Cochran, Cooper, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Dark, Davis, Davidson, Dawson, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McIlwain, Nettles, Nicholson, Pearson, Pitts, Ralls, Ramsey, Register, Reynolds, Riley, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—80.

Also, from same committee, reported favorably to the bill—

H. B. 397. To amend section 376 of the Code of Alabama. Which bill—

Was ordered to a third reading forthwith, read the third time, and passed—yeas 73, nays 1.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Boykin, Brooks, Caldwell, Campbell, Cochran, Cooper, Clark of Conecuh, Clark of

Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Evans, Foshee, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McIlwain, Nettles, Nicholson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Walker, Waller, Willett, Williams, Woolf, Winn—73.

Nay—Mr. English.

Also, favorably, with amendment, to the Senate bill—

s. 140. To provide for summary judgments in favor of the auditor against tax collectors and judges of probate and prescribe for the collection thereof.

Amend last line of section one by striking out the word "ten" and inserting "thirty."

Pending its consideration, the hour of 12 o'clock arrived—the hour set for the third reading of the bill—

H. B. 15. To organize and regulate a system of public instruction.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 78, nays 4

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Barnett, Betts, Billingslea, Boger, Boykin, Bradford, Caldwell, Campbell, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Davis, Davidson, English, Evans, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, McCane, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Lauderdale, Walker, Waller, Willett, Woolf—78.

Nays—Messrs. Alexander, Dark, Dawson and Thompson—4.

#### MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,  
MONTGOMERY, ALA., Jan. 21, 1879.

*Gentlemen of the House of Representatives:*

Herewith I have the honor to lay before you the report of

the State geologist for the years 1877 and 1878, and the accompanying plates and maps.

Very respectfully,

R. W. COBB,  
Governor.

On motion of Mr. Cochrane, 1000 copies of the report and accompanying papers were ordered printed.

On motion of Mr. Foster, of Barbour,

The bill—

H. B. 248. To repeal an act to establish the city court of Eufaula, approved February 14, 1870.

Was further postponed and made the special order for 12 M. to-morrow.

The House next proceeded to the consideration of the substitute reported by the committee on appropriations to the bill—

H. B. 169. For the relief of maimed soldiers.

The question pending being the amendment of Mr. Fonville.

On motion of Mr. Foster of Macon,

The amendment was laid on the table.

Mr. Willett moved to amend by inserting after the word "leg"—3d line, 1st section—"and became mutilated in limbs or body."

Which, on motion of Mr. Waller,

Was laid on the table.

Mr. Fletcher moved to amend section 2, by way of a substitute.

The amendment was adopted.

Mr. Woolf moved to reconsider the vote by which the amendment was adopted.

Lost.

Mr. Lawrence moved to amend by adding to section 2:

"Provided, That the provisions of this act shall not be so construed as to discriminate against those who have heretofore received worthless artificial limbs."

The amendment was lost.

Mr. Armstrong moved to amend as follows:

Add to the 1st section: Provided, The probate judge shall give notice by posting, or causing to be posted at the most public place in each precinct in his county, when and for what purpose he is ready to receive the application provided for in this section.

The amendment was lost.

Mr. Lyons called for the previous question.

The main question was ordered to be put by a majority vote.

The substitute, as amended, was adopted,

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 89, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Critcher, Dark, Davis, Davidson, Dawson, English, Evans, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—89.

By leave,

Mr. Foster of Barbour, from the committee on education, reported favorably, with an amendment, to the bill—

H. B. 509. For the relief of Mrs. Margaret A. Johnson, of Perry county.

Amend by striking out the preamble.

The amendment was adopted and,

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 77, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Boger, Boykin, Bradford, Brooks, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Dark, Davis, Davidson, Dawson, Evans, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Jack, James, Jolley, Kennedy, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Muldon, McCane, McCarron, McIlwain, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sheid, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Thompson, Walker, Willett, Williams, Woolf, Winn—77.

Also, from same committee, reported favorably to the bill—

H. B. 423. To authorize the board of directors of the State Normal School and University for the colored race at Marion, Perry county, to appropriate and expend certain educational funds in their hands, to the repairing, improving and enlarging of the buildings of said Normal school and University.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 81, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Dark, Davis, Davidson, Dawson, English, Evans, Fosbee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Muldon, McCane, McIlwain, Nicholson, Patton, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf—81.

By leave,

Mr. Woolf, from the judiciary committee, reported favorably, to the bill—

H. B. 351. To establish a chancery court for the county of Cullman, and to fix the time of holding the same.

The bill was ordered to a third reading forthwith, read the third time and passed, and ordered to Senate—yeas 81, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Boykin, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Dark, Davis, Davidson, Dawson, Evans, Fosbee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Lawrence, Lawson, Lee, Legg, Lowther, Martin, Massey, Muldon, McCane, McCarron, McIlwain, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of

Lauderdale, Thompson, Walker, Willett, Williams, Woolf—81.

By leave,

Mr. Waller, from the committee on corporations, reported favorably, to the bill—

H. B. 541. To amend section one of an act [to define the corporate limits of the city of Wetumpka.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 76, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Boger, Boykin, Bradford, Brooks, Caldwell Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Dark, Davis, Davidson, Dawson, English, Evans, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Martin, Massey, McCane, McCarron, McIlwain, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Sanders of Lamar, Sanders of Madison, Sharpe, Smith of Autauga, Smith of Lowndes, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf—76.

By leave,

Mr. Nicholson offered the following resolution, which was adopted :

WHEREAS, The auditor's report shows that the State is paying per annum \$1,800.00 for watchmen, \$1,130.00 for servants, \$300 for messengers, \$150.00 for keeper of capitol; therefore,

*Resolved*, That the committee on the capitol be instructed to inquire into the expenses of the capitol, and report by bill or otherwise, whether or not such expenses cannot be reduced.

The Speaker announced as the select committee on the bill—

H. B. 515. For relief of Perdido Bay Lumber Co.—

Messrs. Foster of Barbour, Taylor of Choctaw, Boykin, Cochrane and Fletcher.

The House resumed the consideration of the Senate bill—

s. 140. To provide for summary judgments in favor of the auditor against delinquent tax collectors and judges of probate.

Pending the consideration of the amendment reported by the committee on ways and means,



On motion of Mr. Woolf,  
The House adjourned until to-morrow morning, 10 o'clock.

### THIRTY-FIRST DAY.

HOUSE OF REPRESENTATIVES,  
WEDNESDAY, Jan. 22, 1879.

The House met pursuant to adjournment.

Prayer by Mr. Hughes of the House.

On the call of the roll the following members answered to their names :

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Bailey, Betts, Billingslea, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Dark, Davis, English, Evans, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Woolf, Winn—81.

Journal of yesterday read and approved.

Leave of absence was granted Messrs. Ash for one day, Fonville until Monday.

Leave was granted Messrs. Bowdon and Winn, to retire to examine the engrossment of the educational bill.

By leave,

Mr. Bowdon introduced a bill—

H. B. 622. To require security for costs to be given upon suits for divorce instituted by the husband against the wife.

Which bill was read once, and ordered to a second reading on to-morrow.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
January 22, 1879.

*Mr. Speaker :*

The Senate has passed the following House bill—

H. B. 217. To authorize the county of Mobile to make and issue its bonds to a limited amount.

And has originated and passed the following bills—

s. 73. To amend an act for the preservation of game animals and birds in the counties of Mobile, Choctw, Monroe, Clarke, Washington, Baldwin, Marengo, Lowndes, Limestone, Escambia, Hale, Dallas, Montgomery and Greene.

s. 90. To amend section 43 of the Code of Alabama, with relation to the pay and mileage of officers and members of the General Assembly.

s. 105. To reduce the recording fees of judges of probate, registers in chancery, and clerk of the supreme court, in Alabama.

s. 14. To prevent executors, administrators, guardians, trustees, under any testamentary or express trust, and receivers from misusing trust funds in their hands.

W. L. CLAY,  
Secretary of Senate.

The Senate bills—

s. 73, s. 90, s. 105, s. 14—

Whose titles are set out in the above message, were severally read once and ordered to a second reading on to-morrow.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
January 20, 1879.

*Mr. Speaker :*

The Senate has originated and passed the following bill—

s. 177. For the relief of Alexander C. Davidson, as one of the sureties on the official bond of Henry H. Mosely, as late tax collector of Perry county, Alabama.

W. L. CLAY,  
Secretary.

The Senate bill—

s. 177—

Whose title is set out in the above message, was read once and ordered to a second reading on to-morrow.

MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
January 22, 1879.

*Mr. Speaker :*

The President of the Senate having signed the following Senate bill, your signature to the same is requested :

s. 13. To provide the mode of procedure in cases in which the claim of recoupment of damages is interposed.

W. L. CLAY,  
Secretary of Senate.

And the Speaker, in the presence of the House, immediately after the title had been publicly read, signed said bill—  
s. 13.

ENROLLED BILLS—SIGNING BILLS.

Mr. Fletcher, from the committee on enrolled bills, reported as correctly enrolled the following bills;

And the speaker, in the presence of the House, immediately after the titles had been publicly read, signed said bill :

H. B. 50. To require a person who employs, or in any way engages laborers in the counties of Dallas, Perry, Butler, Autauga, Wilcox, Washington, Barbour, Marengo, Pike, Montgomery, Covington, Tallapoosa, Hale, Henry, Russell, Lowndes, Greene, Elmore, Macon, Talladega, Shelby, Bibb, Bullock, Lee, and Tuscaloosa, for the purpose of removing said laborers from the State, to pay a license tax.

BILLS ON SECOND READING.

The bills—

H. B. 648. To regulate the holding of the circuit courts of Barbour county;

H. B. 19. To regulate the record of conveyances of Barbour county;

Were severally read the second time, and referred to a select committee of five.

Committee—Messrs. Smith of Mobile, Culver, Cochrane, Lowther and Kirkpatrick.

The bill—

H. B. 620. To amend an act to authorize the commissioners' court of Russell county to appoint a board of finance, and to issue the bonds of said county for the payment of the indebtedness thereof, approved March 17, 1875;

Was read the second time, and referred to the committee on fees and salaries.

#### UNFINISHED BUSINESS.

The House proceeded to the consideration of the Senate bill—

s. 140. To provide for summary judgments in favor of the auditor against delinquent tax collectors and judges of probate.

The question pending being the amendment reported by the committee on ways and means—

The amendment was adopted.

Mr. Woolf moved to amend by striking out the words, "in the circuit or city court held at the seat of government or," in section 1, lines 6 and 7.

The amendment was adopted.

Mr. Clark of Mobile moved to amend as follows:

Add to section 4: "Provided, that correct and properly certified transcripts from the auditor's books shall be of the same legal effect, when offered in evidence, as would be the books themselves if produced."

The amendment was adopted.

Mr. Foster of Barbour moved to reconsider the vote by which the amendment offered by Mr. Woolf was adopted.

Which, on motion of Mr. Waller, was laid on the table.

And the bill was ordered to a third reading forthwith, read the third time and passed—yeas 47, nays 23.

Yeas—Messrs. Akers of Jefferson, Akers of Marion, Bailey, Boger, Boykin, Bradford, Caldwell, Cochrane, Cooper, Culver, Clark of Conecuh, Clark of Mobile, Dark, Dawson, English, Foster of Macon, Griggs, Haigler, Hearn, Heacock, Hughes, Huey, Jack, James, Jolley, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, McCane, McDougald, Pearson, Purifoy, Register, Riley, Rushing, Sanders of Lamar, Sheid, Smith of Autauga, Taylor of Choctaw, Walker, Waller, Willett, Winn—47.

Nays—Messrs. Speaker, Alexander, Betts, Brooks, Campbell, Critcher, Davis, Evans, Foshee, Fuller, Fletcher, Gilbert,

Hand, Kirkpatrick, Lawrence, Lawson, Muldon, Nicholson, Patton, Ralls, Ramsey, Reynolds, Sharpe—23.

Mr. Taylor of Choctaw gave notice that he would move to reconsider the vote just taken.

#### CALL OF THE COUNTIES.

On the call of the counties bills were introduced—

By Mr. Smith of Autauga—

H. B. 623. To abolish the court of county commissioners of Autauga.

Also,

H. B. 624. To amend subdivision 1 of section 494 of the Code of Alabama.

By Mr. Massey—

H. B. 625. To establish a separate school district in Barbour county, to be known as the Clayton school district.

By Mr. Sheid—

H. B. 626. For the relief of Thomas Kelly and John C. Archer of Calhoun county, Alabama.

Also,

H. B. 627. To amend an act to prohibit the sale or giving away of spirituous liquors within five miles of Sulphur Springs church, Cane Creek church, Oak Bowery church, Mount Zion church, and Hebron church in Calhoun county, and Blue Eye church, Refuge Church, Patton's Chapel church, Bethel church, Forest Hill church, and the church of the colored people (near Forest Hill) in Talladega county, approved Dec. 8, 1873.

By Mr. Lawrence—

H. B. 628. To prevent the sale, giving away, or otherwise disposing of spirituous, vinous, malt, or other intoxicating liquors in the town of Centre in Cherokee county, or within a distance of five miles thereof.

By Mr. Kennedy—

H. B. 629. To amend section 4199 of the Code of 1876.

By Mr. Alexander—

H. B. 630. To consolidate township 12, ranges 11 and 12, and the north half of township 13, ranges 11 and 12, Cleburne county, into one school district.

By Mr. Steele—

H. B. 631. To authorize Andrew J. Wayne, of Colbert county, to peddle without license.

By Mr. Boykin—

H. B. 632. To amend sections 1415 and 1417 of the Code.  
By Mr. Jack—

H. B. 633. For the relief of the tax-payers of Franklin county.

Also,

H. B. 634. To amend section 2681 of the Code of Alabama, and for the protection of probate judges granting marriage licenses.

Also,

H. B. 635. To amend section 2825 of the Code of Alabama.  
By Mr. Register—

H. B. 636. To require the circuit judges in this State to appoint a committee in each county in their circuit to examine into the various county offices and their records, and into the financial condition of county and county jail.

By Mr. Walker—

H. B. 637. To amend section 2889 of the Code of 1876.

Also,

H. B. 638. To amend section 3760 of the Code of 1876.

Also,

H. B. 639. To amend section 3209 of the Code of 1876.

Also (with petition)—

H. B. 640. To change the line between the counties of Jefferson and Shelby.

By Mr. Haigler—

H. B. 641. To amend section 3473 of the Code of Alabama.

Also,

H. B. 642. Supplemental to an act approved February 8, 1877, and to ratify and confirm a sale of land made February 4, 1878, for the benefit of township 14, range 13, of Lowndes county.

By Mr. Walker—

H. B. 643. To amend section 359 of the Code.

By Mr. Smith of Lowndes—

H. B. 644. For the protection of plantations and lands against depredations of stock in Lowndes county, Alabama.

By Mr. Foster of Macon (with petition)—

H. B. 645. For the relief of Joseph B. Fitzpatrick, of Macon county.

By Mr. Betts—

H. B. 646. To provide for the payment of the expenses of the joint committee of the two houses, appointed to investigate the legality of the sales and the returns of the swamp and overflowed lands.

By Mr. Fletcher—

H. B. 647. To authorize an appropriation for the Alabama orphan school of Lawrence county, Alabama.

Also,

H. B. 648. To authorize the appointment of inspectors of illuminating oils and fluids in this State.

By Mr. Muldon—

H. B. 649. To authorize the administrator of the estate of William Fisher, deceased, to make deeds in certain cases.

Also,

H. B. 650. To authorize the Mobile Life Insurance Company to reduce its capital stock.

By Mr. McCarron—

B. B. 651. To amend sections 1373 and 1381 of the Code.

Also,

H. B. 652. To amend section 3991 of the Code.

By Mr. Smith of Mobile—

H. B. 653. To authorize the Secretary of State to distribute to the libraries of bar associations such acts and supreme court reports as may be so disposed of without detriment to any interest of the State.

By Mr. Kirkpatrick—

H. B. 654. To appropriate two hundred and fifty-nine 60-100 dollars to pay for repairs on the hall of the House of Representatives.

Also,

H. B. 655. To establish a separate school district composed of portions of township 12, range 20, in Montgomery county, and township 12, range 21, in Pike county.

By Mr. Clopton (Mr. Ralls in the chair)—

H. B. 656. To carry into effect the health laws of the State.

Also,

H. B. 657. To incorporate the Tallassee Falls manufacturing company.

Also—

H. B. 658. To regulate proceedings in suits for the recovery of lands sold for delinquent taxes, and the redemption of said lands.

By Mr. Lawson—

H. B. 659. To refund to the several counties of this State the amount of taxes collected and paid into the State treasury on redemption of lands.

By Mr. Sharpe—

H. B. 660. To authorize and require the State Auditor to draw his warrant on the State Treasurer for the balance of

school fund, exclusive of poll tax, due the county of Lawrence for scholastic year ending September 30, 1877.

By Mr. Huey—

H. B. 661. To regulate ejectment suits or proceedings, when founded upon mortgages of real estate, or purchases made thereunder.

Also—

H. B. 662. To empower the probate courts to order the sale of lands of an estate for the payment of debts contracted by the executor or administrator in the course of administration.

Also,

H. B. 663. To prohibit the sale of vinous or spirituous liquors within two and a half miles of the Radfordsville school house and of the Concord Baptist church, in Radfordsville beat, Perry county.

By Mr. Willett—

H. B. 664. To amend section 2825 of the Code.

By Mr. Martin—

H. B. 665. To amend section 494 of the Code.

By Mr. Pitts—

H. B. 666. To change the boundary line between the counties of Shelby and Chilton, in this State.

By Mr. Purifoy—

H. B. 667. To create beat tax assessors in the several counties of the State.

By Mr. Williams—

H. B. 668. To prevent the sale of vinous, or spirituous liquors, within three miles of Deatsville church, in Elmore county.

By Mr. Davis—

H. B. 669. To constitute a separate school district, composed of parts of Limestone and Madison.

By Mr. Billingslea—

H. B. 670. To prevent stock from running at large in that portion of Dallas county, embraced between Sandy Chillatchee and Bogue Chitto creeks, and between the upper Linden and the old wire road.

By Mr. Stribling—

H. B. 671. To consolidate the offices of sheriff and tax assessor of Washington county, and to provide for the election of a tax collector for said county.

By Mr. Cochrane—

H. B. 672. Limiting prosecutions in certain cases.

By Mr. McCane—



H. B. 673. To ratify and confirm the appointment of P. N. Hickman, by the commissioners court of Butler county, to the office of coroner, and to ratify and confirm his acts, in the legal discharge of his duties as such coroner.

By Mr. Lyons—

H. B. 674. To amend sub-division 8 of section 494 of the Code of Alabama.

Which bills were severally read once and ordered to a second reading to-morrow.

It was ordered that 150 copies of the bill,

H. B. 658. To regulate proceedings in suits for the recovery of lands sold for delinquent taxes, &c., be printed.

Mr. Legg introduced,

H. B. 675. Joint memorial of the General Assembly to the Congress of the United States, in relation to Sipsey River, in Alabama;

Which was read and referred to the committee on federal relations.

Mr. Haigler presented petition of citizens of Lowndes county, in opposition to the bill now before the House, to increase the jurisdiction of justices of the peace and notaries public, in said county;

Which was referred to the judiciary committee;

Also presented the petition of citizens of Lowndes county, to abolish the office of county treasurer;

Which was referred to the committee on local legislation.

Mr. Huey presented counter petition to the bill, to prohibit the sale of liquors in Oak Grove beat, Perry county, Alabama;

Which was referred to the committee on temperance.

Mr. Brooks offered the following resolution which lies over:

*Resolved*, That after Wednesday, 29th inst., the call of the counties shall be dispensed with, and there shall be no other bills introduced into this House, till after those in the hands of the committees have been disposed of.

Mr. Foster of Macon, offered the following resolution, which was adopted:

*Resolved*, That the committee on appropriations be requested to report as soon as practicable, all bills making appropriations for the expenses of the State Government for the next two years.

Mr. Nicholson offered the following resolution, which was adopted:

*Resolved*, That the committee on appropriations be in-

structed to enquire into the salaries and pay of subordinate officers and employees who are now employed at the expense of the State, whose salaries or pay are now fixed by law or otherwise, and report by bill or otherwise, whether or not, such expenses can be reduced, and which of said offices can be abolished, if any, with instructions to report at their earliest convenience.

SPECIAL ORDER.

The hour of 12 o'clock having arrived, the House proceeded to the consideration of the bill;

H. B. 248. To repeal an act to establish the city court of Enfaula, approved February 14, 1870.

On motion of Mr. Foster of Barbour, the bill was recommitted to a select committee of five.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,  
MONTGOMERY, ALA., January 22, 1879.

*Mr. Speaker:*

The Governor has approved the following bills, which originated in the House:

H. B. 43. To amend section 5 of an act entitled an act to establish a court of revenue for the county of Wilcox, approved February 3d, 1877.

H. B. 115. To provide for the impeachment and removal from office of the officers mentioned in section 2 and section 3 of article 7 of the constitution of Alabama.

H. B. 176. To regulate the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors within the corporate limits of the town of Prattville, in the county of Autauga.

H. B. 348. To prevent the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, within that portion of the city of Wetumpka which is on the west side of Coosa river;

H. B. 47. To prevent the sale, giving away or otherwise disposing of spirituous, vinous or other intoxicating liquors, in one mile of the Baptist church, in the town of Victoria, Coffee county.

H. B. 52. To amend section 1586 of the Code.

H. B. 50. To require a person who employs, or in any way

engages laborers in the counties of Dallas, Perry, Butler, Autauga, Wilcox, Washington, Barbour, Marengo, Pike, Montgomery, Covington, Tallapoosa, Hale, Henry, Russell, Lowndes, Greene, Elmore, Macon, Talladega, Shelby, Bibb, Bullock, Lee and Tuscaloosa, for the purpose of removing said laborers from the State, to pay a license tax.

Respectfully,

THOS. H. REYNOLDS,  
Recording Secretary.

MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
January 22, 1879.

*Mr. Speaker :*

The Senate has passed the following bill and ordered the same sent forthwith to the House without engrossment :

s. 238. To change the name of the Selma Savings Bank to the Commercial Bank of Selma.

W. L. CLAY,  
Secretary of Senate.

The Senate bill just received (s. 238) was read once and ordered to a second reading on to-morrow.

REPORTS FROM STANDING COMMITTEES.

Mr. Betts, from the committee on ways and means, reported favorably to the bill—

H. B. 486. To define who are agents of insurance companies not incorporated by or under the laws of this State, and to fix their liability for acting without authority of law.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 76, nay 0.

Yeas—Messrs. Speaker, Akers of J., Akers of M., Alexander, Armstrong, Bailey, Betts, Billingslea, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Cooper, Culver, Clark of Lawrence, Clark of Mobile, Critcher, Dark, Davis, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCarron, McDougald, Nettles, Nicholson, Patton, Pearson, Purifoy, Rallss, Register, Reynolds, Riley, Rushing, Sanders

of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—76.

Also, from same committee, reported favorably to the bill -- H. B. 442. To amend section 413 of the Code of Alabama.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 75, nays 1.

Yeas—Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Bailey, Betts, Billingslea, Boger, Boykin, Bradford, Caldwell, Campbell, Cooper, Culver, Curtis, Clark of Lawrence, Clark of Mobile, Critcher, Dark, Davis, Dawson, Foshee, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Lawrence, Lawson, Lee, Legg, Lowther, Martin, Massey, Molett, Muldon, McCarron, McDougald, McIlwain, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Taylor of Choctaw, Taylor of Lauderdale, Walker, Waller, Willett, Williams, Woolf, Winn—75.

Mr. Speaker voted nay.

Also, from same committee, reported a substitute to the bill—

H. B. 374. To authorize and require the auditor to pay over to the several counties their respective shares of the money received for tax lands transferred by him.

The substitute was adopted.

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 76, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Bailey, Betts, Boger, Boykin, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Lawrence, Clark of Mobile, Dark, Davis, Dawson, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Massey, Molett, Muldon, McCane, McDougald, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Thompson, Waller, Willett, Williams, Woolf, Winn—76.

Mr. Brooks voted nay.

Also, from same committee, reported favorably, to the bill—

H. B. 461. To amend an act entitled an act to authorize and empower the court of county commissioners of Barbour county to compromise and settle the bonded indebtedness of said county, incurred for stock subscribed by said county to the Vicksburg and Brunswick railroad company, approved February 6, 1874.

The bill was ordered to a third reading forthwith, read the third time and passed yeas 75, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Bailey, Billingslea, Boger, Boykin, Bradford, Caldwell, Campbell, Cochrane, Culver, Clark of Lawrence, Critcher, Dark, Davis, Dawson, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Willett, Williams, Woolf, Winn—75.

Also, from same committee, reported adversely to the bill—

H. B. 147. To require the secretary of State to furnish each notary public of the State of Alabama with one copy of the Code.

Mr. Dark moved the House do not concur in the report of the committee.

Lost,

And the report of the committee was concurred in.

Also, from same committee, reported a substitute for the bill—

H. B. 356. To amend subdivision 8, of section 358, of the Code.

Mr. Foster of Macon moved to postpone the further consideration of the report until next Saturday at 12 M., the 25th inst., and make it special order for that hour.

Agreed to.

Mr. Foster of Barbour, from the committee on education, reported favorably, with amendment, to the bill—

H. B. 239. To amend section 1259 of the Code.

Amend by adding to section one the following :

Provided, the provisions of this act shall not go into effect until the first day of October, 1879.

The amendment was adopted,

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 71, nays 5.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Bailey, Betts, Billingslea, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Dark, Dawson, English, Evans, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lowther, Martin, Massey, Molett, Muldon, McCarron, McIlwain, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Ramsey, Riley, Sanders of Lamar, Sheid, Smith of Autauga, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Waller, Willett, Williams, Woolf, Winn—71.

Nays—Messrs. Culver, Lee, McCane, Register and Reynolds—5.

Also, from same committee, report favorably, with amendment, to the bill—

H. B. 369. To ratify the agreement made by and between William Lee as county superintendent of education of Chilton county, and J. O. Smith, one of the sureties of L. W. Frazier, late superintendent of education of said county.

Amend section two by striking out the words, "and twenty-five" in the 6th line of said section.

The amendment was adopted,

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 78, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Betts, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Dark, Davis, Dawson, Evans, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Choctaw, Taylor of

Lauderdale, Thompson, Waller, Willett, Williams, Woolf, Winn—78.

Also, from same committee, reported favorably, to the bill—

H. B. 504. To incorporate the Alabama Orphan school, at Mountain Home, Lawrence county.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 69, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Bailey, Betts, Billingslea, Boger, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Dark, Davis, Dawson, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Martin, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Patton, Pearson, Purifoy, Ralls, Ramsey, Register, Reynolds, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Walker, Williams, Woolf, Winn—69.

Also, from same committee, reported favorably, with amendments, to the Senate bill—

s. 165. To establish a school district in Conecuh county, known as the Evergreen school district.

Amend as follows :

1st amendment—Amend section 3 by way of a substitute.

2d—Strike out “board of trustees,” in section 4, and insert “said district superintendent.”

3d—Strike out section 5.

4th—Re-number section 6 as section 5.

• The amendments were severally adopted.

Mr. Clarke of Conecuh moved—

To amend by striking out all after the word “namely” in section 1, and inserting, “all that territory embraced in the corporate limits of Evergreen.”

The amendment was adopted, and

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 70, nays 1.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Bailey, Billingslea, Boger, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Davis, Dawson, Evans, Foster of Macon, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirk-

patrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Molett, Muldon, McCarron, McIlwain, Nettles, Patton, Pearson, Pitts, Ralls, Ramsey, Register, Reynolds, Riley, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—70.

Mr. Massey voted nay.

Mr. Foster of Barbour—

Gave notice of a motion to reconsider the vote just taken.

Mr. Waller—

From the committee on corporations, reported favorably to the Senate bill—

s. 132. To incorporate the town of Anniston, in Calhoun county.

Mr. Sheid moved—

To postpone the further consideration of the bill till Friday next, 12 M., and that it be made special order for that hour.

Lost.

Mr. Muldon called for the previous question.

The House refused to order the main question to be put.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 59, nays 9.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Billingslea, Boger, Bowdon, Boykin, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Mobile, Dark, Davis, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Hand, Heacock, Hughes, Huey, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Martin, Molett, Muldon, McCarron, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Smith of Lowndes, Smith of Mobile, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Woolf—59.

Nays—Messrs. Armstrong, English, Foshee, Griggs, Hearn, McCane, McIlwaine, Sheid, Steele—9.

On motion of Mr. Stribling—

The House adjourned until to-morrow morning 10 o'clock.



## THIRTY-SECOND DAY.

HOUSE OF REPRESENTATIVES,

THURSDAY, JANUARY 23, 1879.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Andrews.

On the call of the roll, the following members answered to their names:

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Bailey, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Critcher, Davis, Davidson, Dawson, English, Evans, Foshee, Foster of Barbour, Foster of Macon, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Parifoy, Ralls, Ramsey, Register, Reynolds, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor, of Choctaw, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—84.

Journal of yesterday read and approved.

Leave of absence was granted—

Messrs. Dolive, Barnett, Lyons, Dark and James for to-day.

Also,

Messrs. Massey and Davidson for two days, and

Mr. Fuller for one day.

Mr. Woolf moved—

To reconsider the vote by which the bill—

H. B. 442. To amend section 413 of the Code of Alabama,  
Was passed;

And also the vote ordering the bill to a third reading.

Agreed to.

Mr. Betts moved—

To amend the bill by way of a substitute,

And moved that the bill and substitute be recommitted to the committee on ways and means.

Agreed to.

Mr. Muldon moved—

That the chairman of the committee on ways and means be instructed to report back without recommendation the bill—

H. B. 419. For the redemption of land sold for taxes, &c.

Agreed to.

The bill was reported back to the House without recommendation.

Mr. Muldon asked—

That the following clerical errors in the bill be corrected, viz :

In fourth line of first section, the figures "1876" be stricken out, and "1878" be inserted in lieu thereof ;

Also, in eleventh line of said section, strike out "1880" and insert "1881."

The corrections were duly made and the bill recommitted.

#### ENROLLED BILL—SIGNING BILL.

Mr. Fletcher—

From the committee on enrolled bills, reported as correctly enrolled the following bill—

And the speaker, in the presence of the House, immediately after the title had been publicly read, signed the said bill.

H. B. 217. To authorize the county of Mobile to make and issue its bonds to a limited amount.

Mr. Walker moved to reconsider the vote by which the Senate bill,

s. 140. To provide for summary judgments in favor of the auditor against delinquent tax collectors and judges of probate ;

Was passed, and also the vote ordering the bill to a third reading.

Carried.

Mr. Walker moved to amend as follows : Strike out section 7 ; and in section 8 strike out "attorney general" and insert "circuit solicitor" ;

On motion of Mr. Smith of Mobile, the bill with the amendments was recommitted to the committee on ways and means.

By leave, Mr. Taylor of Lauderdale, from the committee on local legislation, reported back to the House the bill ;

H. B. 555. For the relief of David A. Moniac, tax collector of Baldwin county ;

And asked that it be referred to the committee on appropriations ;

The bill was so referred.

By leave, Mr. Boykin, from the committee on appropriations, reported back to the House the bill;

H. B. 527. For the relief of Samuel W. Wallace, of the county of Lawrence;

And asked that it be referred to the committee on accounts and claims.

The bill was so referred.

By leave, Mr. Woolf, from the judiciary committee, reported favorably to the Senate bill,

s. 124. To divide the State into three (3) chancery divisions.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 66; nays 10.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Bowdon, Boykin, Brooks, Caldwell, Cochrane, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Davis, Dawson, Foshee, Foster of Macon, Griggs, Haigler, Hand, Hearn, Heacock, Huey, Hutto, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Martin, Massey, McCane, McCarron, McDougald, McIlwain, Nettles, Owens, Patton, Pearson, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—65.

Nays—Messrs. Betts, Boger, Davis, English, Evans, Fletcher, Jack, Pitts, Sanders of Madison, Steele—10.

On motion of Mr. Stribling the bill—

H. B. 406. In relation to fencing and operating railroads within the limits of Washington county;

Was made the special order for 12 M. to-morrow.

#### BILLS ON SECOND READING.

The bills—

H. B. 622. To require security for costs, to be given upon suits for divorce instituted by the husband against the wife.

B. B. 623. To abolish the court of county commissioners of Autauga county.

H. B. 629. To amend section 4199 of the Code of 1876.

H. B. 634. To amend section 2681 of the Code of Alabama, and for the protection of probate judges granting marriage licenses.

H. B. 635. To amend section 2825 of the Code of Alabama.

H. B. 636. To require the circuit judges in this State, to

appoint a committee in each county in their circuit, to examine into the various county offices, and their record, and into the financial condition of county and county jail.

H. B. 637. To amend section 2889 of the Code of 1876.

H. B. 638. To amend section 3760 of the Code of 1876.

H. B. 639. To amend section 3209 of the Code of 1876.

H. B. 641. To amend section 3473 of the Code of Alabama.

H. B. 652. To amend section 3991 of the Code.

H. B. 653. To authorize the Secretary of State to distribute to the libraries of bar associations, such acts and supreme court reports, as may be so disposed of, without detriment to any interest of the State.

H. B. 661. To regulate ejectment suits or proceedings, when founded upon mortgages of real estate, or purchases made thereunder.

H. B. 662. To empower the probate courts to order the sale of lands of an estate for the payment of debts contracted by the executor or administrator in the course of administration.

H. B. 664. To amend section 2825 of the Code;

H. B. 672. Limiting prosecutions in certain cases;

And the Senate bills—

s. 14. To prevent executors, administrators, guardians, trustees under any testamentary or express trust, and receivers from misusing trust funds in their hands;

s. 105. To reduce the recording fees of judges of probate, registers in chancery, and clerk of the supreme court in Alabama;

Were severally read the second time and referred to the judiciary committee.

The bills—

H. B. 624. To amend subdivision 1 of section 494 of the Code of Alabama;

H. B. 631. To authorize Andrew J. Wayne of Colbert county to peddle without license;

H. B. 633. For the relief of the tax payers of Franklin county;

H. B. 643. To amend section 359 of the Code;

H. B. 648. To authorize the appointment of inspectors of illuminating oils and fluids in this State;

H. B. 649. To authorize the administrator of the estate of William Fisher, deceased, to make deeds in certain cases;

H. B. 658. To regulate proceedings in suits for the recovery of lands for delinquent taxes, and the redemption of said lands;

H. B. 659. To refund to the several counties of this State the amount of taxes collected and paid into the State treasury, on redemption of land;

H. B. 660. To authorize and require the State auditor to draw his warrant on the State treasurer for the balance of school fund, exclusive of poll tax, due the county of Lawrence for the scholastic year ending Sept. 30, 1877;

H. B. 665. To amend section 494 of the Code;

H. B. 667. To create beat tax assessors in the several counties of this State;

H. B. 671. To consolidate the offices of sheriff and tax assessor of Washington county, and to provide for the election of a tax collector for said county;

H. B. 674. To amend subdivision 8 of section 494 of the Code of Alabama;

Were severally read the second time, and referred to the committee on ways and means.

The bills—

H. B. 625. To establish a separate school district in Barbour county, to be known as the Clayton school district;

H. B. 630. To consolidate township 12, range 11 and 12 and the north half of township 13, ranges 11 and 12, Cleburne county, into one school district;

H. B. 642. Supplemental to an act approved February 8, 1877, and to ratify and confirm a sale of land made February 4, 1878, for the benefit of township 14, range 13, of Lowndes county.

H. B. 647. To authorize an appropriation for the Alabama orphan school of Lawrence county, Alabama.

H. B. 655. To establish a separate school district composed of portions of township 12, range 20, in Montgomery county, and township 12, range 21, in Pike county.

H. B. 669. To constitute a separate school district, composed of parts of Limestone and Madison counties;

Were severally read the second time and referred to the committee on education.

The bills—

H. B. 626. For the relief of Thomas Kelly and John C. Archer of Calhoun county, Alabama;

H. B. 644. For the protection of plantations and lands against depredations of stock in Lowndes county, Alabama.

H. B. 645. For the relief of Joseph B. Fitzpatrick, of Macon county.

H. B. 670. To prevent stock from running at large in that portion of Dallas county embraced between Sandy, Chillatchie

and Boguechitta creeks and between the upper Linden and old wire road ;

H. B. 673. To ratify and confirm the appointment of P. N. Hickman, by the commissioners' court of Butler county, to the office of coroner, and to ratify and confirm his acts in the discharge of his duties as such coroner ;

Were severally read the second time, and referred to the committee on local legislation.

The bills—

H. B. 627. To amend an act to prohibit the sale or giving away of spirituous liquors within five miles of Sulphur Springs church, Cane Creek church, Oak Bowery church, Mount Zion church, and Hebron church in Calhoun county, and Blue Eye church, Refuge church, Patton's Chapel church, Bethel church, Forest Hill church, and the church of the colored people (near Forest Hill) in Talladega county, approved December 8, 1873.

H. B. 628. To prevent the sale, giving away, or otherwise disposing of spirituous, vinous, malt, or other intoxicating liquors in the town of Center in Cherokee county, or within a distance of five miles thereof.

H. B. 663. To prohibit the sale of vinous or spirituous liquors within two and a half miles of the Radsfordville school house, and of the Concord Baptist church, in Radsfordville beat, Perry county;

H. B. 668. To prevent the sale of vinous or spirituous liquors within three miles of Deatsville church in Elmore county;

Were severally read the second time, and referred to the committee on temperance.

The bills—

H. B. 640. To change the line between the counties of Jefferson and Shelby.

H. B. 666. To change the boundary line between the counties of Shelby and Chilton in this State ;

Were severally read the second time, and referred to the committee on counties and county boundaries.

The bills—

H. B. 646. To provide for the payment of the expenses of the joint committee of the two houses, appointed to investigate the legality of the sales and the returns of the swamp and overflowed lands.

H. B. 654. To appropriate two hundred and fifty-nine 60-100 dollars to pay for repairs on the hall of the House of Representatives.

H. B. 656. To carry into effect the health laws of the State.  
And the Senate bills—

s. 90. To amend section 43 of the Code of Alabama, with relation to the pay and mileage of officers and members of the General Assembly.

s. 177. For the relief of Alexander C. Davidson, as one of the sureties on the official bond of Henry H. Mosely, as late tax collector of Perry county, Alabama.

Were severally read the second time, and referred to the committee on appropriations.

The bills—

H. B. 650. To authorize the Mobile Life Insurance Company to reduce its capital stock.

H. B. 657. To incorporate the Tallassee Falls manufacturing company.

And the Senate bill—

s. 238. To change the name of the Selma savings bank to the Commercial Bank of Selma;

Were severally read the second time and referred to the committee on corporations.

The bills—

H. B. 632. To amend sections 1415 and 1417 of the Code.

H. B. 651. To amend sections 1373 and 1381 of the Code.

Were severally read the second time and referred to the committee on agriculture and commerce.

The Senate bill—

s. 73. To amend an act for the preservation of game animals and birds in the counties of Mobile, Choctaw, Monroe, Clarke, Washington, Baldwin, Marengo, Lowndes, Sumter, Escambia, Hale, Dallas, Montgomery and Greene;

Was read the second time and referred to the committee on game laws.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
January 23, 1879.

*Mr. Speaker:*

The Senate has originated and passed the following bills:

s. 216. For the relief of W. L. Ferguson, tax collector of DeKalb county;

s. 210. To authorize and require the tax collector of Chambers county to assess and collect certain taxes therein named;

s. 123. To amend an act entitled an act to incorporate the town of Evergreen, Conecuh county, approved March 28, 1873;

s. 191. For the relief of Miss M. H. Turner, of the county of Lawrence;

And has passed the following House bill:

H. B. 236. To authorize the court of county commissioners of Lauderdale county to issue new bonds for the purpose of paying off the old bonds of said county.

And has amended, as therein shown, and passed the following House bill:

H. B. 31. To increase the criminal jurisdiction of justices of the peace and notaries public with like powers in the counties of Lauderdale, Bullock, Conecuh, Wilcox and Lawrence.

And has adopted House joint memorial—

H. M. 436. Joint memorial and resolution to Congress asking that the public lands in Alabama be granted in aid of popular education.

W. L. CLAY,  
Secretary of Senate.

The Senate bills (s. 191, s. 123, s. 210, s. 216)—

Whose titles are set out in the above message, were severally read once and ordered to a second reading on tomorrow.

#### UNFINISHED BUSINESS.

The resolution of Mr. Brooks limiting, the time for introduction of bills was taken up.

Mr. Huey moved to amend by striking out "29th" and inserting "31st."

On motion of Mr. Betts,

The resolution and amendment were referred to the committee on rules.

By leave,

Bills were introduced:

By Mr. Ash—

H. B. 675. To amend section 5034 of the Code of Alabama.

By Mr. Ralls, (by request)—

H. B. 676. To relieve W. P. Deeson, of Blount county, of the disabilities of non-age.

Also,



H. B. 677. To change and define the eastern boundary line of Blount county.

Also,

H. B. 678. To ratify the compromise of the claim of the educational fund of Blount county against Frank A. Hanna.

By Mr. Walker—

H. B. 679. To authorize the court of county commissioners for the county of Jefferson to issue the bonds of said county for an amount not exceeding twenty thousand dollars, for certain purposes therein named.

Also,

H. B. 680. To amend sub-division seven of section 369 of the Code of Alabama, relating to rate of taxation of shares of bank stock.

By Mr. Clopton, (Mr. Woolf in the chair)—

H. B. 681. To provide for reducing the rate of taxation in this State.

By Mr. Walker—

H. B. 682. For the relief of Charles Linn, of Jefferson county.

By Mr. Woolf—

H. B. 683. To make appropriations for the fiscal years ending September 30th, 1879, and September 30th, 1880;

Which bills were severally read once and ordered to a second reading on to-morrow.

Mr. Culver moved to reconsider the vote by which the Senate bill—

s. 132. To incorporate the town of Anniston, in Calhoun county, was passed, and also the vote ordering the bill to a third reading.

Agreed to.

On motion of Mr. Sheid,

The further consideration of the bill was postponed and made the special order for 1 p. m. to-morrow.

On motion of Mr. Woolf,

The regular order of business was suspended, for the purpose of allowing committees to report.

#### REPORTS FROM COMMITTEES.

Mr. Waller, from the committee on corporations, reported favorably, to the Senate bill—

H. B. 8. To amend section 5 of an act to establish a new charter for the town of Union Springs, Bullock county, Alabama, approved March 1, 1870.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 79, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Ash, Bailey, Betts, Boger, Bradford, Caldwell, Campbell, Cochrane, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Dawson, Evans, Foshee, Foster of Barbour, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Hutto, Jack, Jolley, Kennedy, Lawrence, Lawson, Lee, Legg, Lowther, Martin, Massey, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Luderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—79.

Also, from same committee, reported favorably to the bill—

H. B. 341. To amend section 1817 of the Code of Alabama.

Mr. Smith of Mobile, moved to amend by adding: and if such road is situated within the limits of any incorporated city or town, such corporation shall place such road in a condition satisfactory to the corporate authorities of said city or town.

The amendment was adopted,

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 73, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Billingslea, Boger, Bowdon, Caldwell, Cochrane, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Davis, Dawson, English, Foshee, Foster of Barbour, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Lawrence, Lawson, Lee, Legg, Lowther, Martin, Massey, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—73.

Also, from same committee, reported favorably, with amendments, to the bill—

H. B. 345. To establish a new charter for the town of Cullman.

Amend as follows :

By striking out in line three of section six, the words "and a householder and freeholder."

By striking out in lines 3, 4, 5 and 6, of section 19, the words "and shall have, and may exercise all the powers and authority of a justice of the peace or a notary public within the town and county of Cullman."

By striking out in lines 8, 9 and 10, of section 20 the words, "and in addition shall have all the powers and authority of a constable, in the town and county of Cullman."

By adding in last line of section 20, after the word "fees" the words, "as are allowed to constables."

The amendments were severally adopted,

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 70, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Boger, Bowdon, Boykin, Cochrane, Culver, Clark of Mobile, Critcher, Davis, Dawson, Foshee, Foster of Barbour, Foster of Macon, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Hutto, Kennedy, Lawrence, Lawson, Lee, Legg, Lowther, Martin, Massey, Molett, Muldon, McCane, McCarron, McDougald, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Riley, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—70.

Also, from same committee, reported favorably, to the bill—

H. B. 487. To authorize the Stonewall Insurance Company of Mobile, to reduce the amount of its capital stock.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 66, nays 4.

Yeas—Messrs. Speaker, Akers of Jefferson, Armstrong, Ash, Bailey, Betts, Boger, Bowdon, Bradford, Campbell, Culver, Clark of Conecuh, Clark of Lawrence, Crutcher, Davis, Dawson, English, Evans, Foshee, Foster of Barbour, Foster of Macon, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Hughes, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Lowther, Lyons, Martin, Massey, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Ramsey, Register, Riley, Rushing, Sanders of Lamar, Sanders of Madison,

Sheid, Smith of Autauga, Smith of Mobile, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—66.

Nays—Messrs. Akers of Marion, Legg, Molett and Owens—4.

Also, from same committee, reported favorably, to the Senate bill—

s. 53. In relation to misrepresentations in obtaining or securing life policies in insurance companies, and requiring the defendants in actions brought on such policies, to return the premiums received and the interest thereon, to the plaintiffs in certain cases.

On motion of Mr. Smith of Mobile,

The further consideration of the bill was postponed and made the special order for Wednesday, 29th inst., at 11 A. M.

Also, from same committee, reported favorably to the bill—

H. B. 488. To amend an act to incorporate the town of Hartsell, in Morgan county, approved March 1, 1875.

And the bill was ordered to a third reading forthwith, read the third time and passed—yeas 67, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Ash, Bailey, Betts, Boger, Boykin, Campbell, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Davis, Evans, Foshee, Foster of Barbour, Foster of Macon, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Jack, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Martin, Massey, Molett, McCane, McCarron, McIlwain, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Madison, Sharpe, Sheid, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—67.

Also, from same committee, reported favorably to the bill—

H. B. 472. To amend section 12, of the charter of Athens, in Limestone county.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 71, nays 0.

Yeas—Messrs. Speaker, Akers of J., of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Boykin, Bradford, Brooks, Campbell, Cochrane, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Davis, Dawson, English, Evans, Foshee, Foster of Macon, Fletcher,

Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Martin, Massey, Molett, McCane, McCarron, Nettles, Nicholson, Owens, Patton, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Woolf—71.

Also,

From the same committee, reported favorably to the Senate bill—

s. 137. To amend section 1776 of the Code, in relation to the qualifications of officers of incorporated towns.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 76, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Boykin, Caldwell, Campbell, Cochrane, Culver, Curtis, Clark of Lawrence, Clark of Mobile, Critcher, Dark, Davis, Dawson, Evans, Foshue, Foster of Barbour, Foster of Macon, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Walker, Willett, Williams, Woolf, Winn—76.

By leave—

Mr. Clark of Mobile offered joint resolution providing for printing the evidence and report of the special joint committee on swamp and overflowed lands—

Which was adopted.

#### SPECIAL ORDER.

The hour of 12 o'clock having arrived, the House proceeded to the consideration of the special order for this hour, viz: the bill—

H. B. 259. To amend an act to reduce the rate of taxation in this State.

The question pending being—

The amendment proposed by the committee on ways and means.

On motion of Mr. Boykin—

The further consideration of the bill was postponed and made the special order for Tuesday next, 28th inst., at 12 m.

Mr. Waller—

From the committee on corporations, reported a substitute for the Senate bill—

s. 130. To ratify an increase of the capital stock of the Selma Press & Warehouse Company, of Selma, Alabama.

The substitute was adopted, and—

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 71, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Culver, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Davis, Dawson, Evans, Foshee, Foster of Barbour, Foster of Macon, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Hutto, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Martin, Massey, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Landerdale, Thompson, Walker, Waller, Willett, Woolf, Winn—71.

Also,

From the same committee, reported favorably, with amendment, to the Senate bill—

s. 93. To authorize fire and marine insurance companies in this State to reduce their capital stock.

Amendment:

Strike out, in section 1, the words “and fifty.”

The amendment was adopted—

And the bill ordered to a third reading forthwith, read the third time, and passed—yeas 72, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Armstrong, Ash, Betts, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Critcher, Davis, Dawson, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Martin, Massey, Molett, Muldon, McCarron, McDougald, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sheid, Smith of Autauga,

Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Winn—72.

Mr. Owens voted nay—1.

Mr. Taylor of Lauderdale—

From the committee on local legislation, reported favorably to the bill—

H. B. 318. To amend section 499 of the Code.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 58, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Ash, Bailey, Betts, Bowdon, Boykin, Clark of Lawrence, Clark of Mobile, Critcher, Davis, Dawson, Foshee, Foster of Macon, Fletcher, Griggs, Hand, Hearn, Hughes, Huey, Hutto, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Lowther, Massey, Molett, Muldon, McCane, McCarron, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf—58.

Also, from same committee, reported favorably to the bill—

H. B. 438. To regulate and authorize an election for changing the county seat of Washington county.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 74, nays 0;

And was ordered forthwith to the Senate.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Boger, Bowdon, Boykin, Brooks, Campbell, Cochrane, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Davis, Dawson, Dolive, English, Evans, Foshee, Foster of Barbour, Foster of Macon, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Massey, Molett, Muldon, McCane, McCarron, Nicholson, Owens, Patton, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—74.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER,

January 23, 1879.

*Mr. Speaker :*

The Senate has passed the following bill, and ordered the same sent to the House forthwith without engrossment :

s. 253. To repeal an act in relation to trials for misdemeanors in Tuscaloosa and other counties therein named, approved March 19, 1875, so far as it relates to the county of Greene.

W. L. CLAY,

Secretary of Senate.

The Senate bill just received, the title of which is set forth in the above message, was read once and ordered to a second reading to-morrow.

Mr. Waller—

From the select joint committee on judicial circuits, reported a substitute for the bill—

H. B. 105. To divide the State into eight judicial circuits.

On motion of Mr. Clark of Mobile—

The further consideration of the report was postponed until to-morrow immediately after reading the journal, and made special order for that time.

Mr. Taylor of Lauderdale, from the committee on local legislation, reported favorably to the bill ;

H. B. 405. To repeal an act to regulate the letting of contracts for public works in the county of Sumter, approved February 5, 1877.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 70; nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Cochrane, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Davis, Foshee, Foster of Barbour, Foster of Macon, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Kennedy, Lawrence, Lawson, Lee, Legg, Lowther, Massey Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Winn—70.



By leave, Mr. Boykin offered the following resolution, which was adopted :

*Resolved*, That an additional member be appointed by the chair on the committee on appropriations ;

The speaker added Mr. Williams to said committee.

Mr. Smith of Mobile, made the following report :

*Mr. Speaker :*

The special committee to which was referred the consideration of the House bill 618, to regulate the holding of the circuit courts of Barbour county ; House bill No. 619, to regulate the recording of conveyances in Barbour county ; and House bill No. 248, to repeal an act establishing the city court of Eufaula, respectfully report : That they have heard evidence and arguments for and against the adoption of the bills, and the subject matters of the same, and have carefully considered said several bills.

These bills seem to be corelative to each other, and to form parts of a common purpose.

The evidence submitted seems to establish, conclusively, a necessity for the passage of House bill No. 248, and, under it, the committee feel reluctantly constrained to report in favor of the passage of this bill, and also the passage of the other two, H. B. 618 and 619, with the amendments proposed by the committee, and reported herewith.

J. LITTLE SMITH,  
Chairman.

The report was received.

The bill—

H. B. 248. To repeal an act to establish the city court of Eufaula;

Was ordered to a third reading forthwith, read the third time and passed—yeas 66 ; nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Bowdon, Boykin, Brooks, Cochrane, Culver, Critcher, Davis, Dawson, Foshee, Foster of Barbour, Foster of Macon, Fletcher, Gilbert, Hand, Hearn, Heacock, Hughes, Hutto, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Massey, Molett, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Taylor of Choctaw, Taylor of

Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—66.

Mr. Griggs voted nay.

The House then proceeded to the consideration of the bill;

H. B. 618. To regulate the holding of the circuit courts of Barbour county.

Mr. Smith of Mobile, in behalf of the committee, submitted the following amendments:

By adding additional sections, as sections 8, 9, 11 and 12;

The amendments were severally adopted;

The bill was renumbered to correspond, and ordered to a third reading forthwith, read the third time and passed—Yeas 66; nays 1.

Yeas—Messrs. Speaker, Akers of J., Akers of M., Alexander, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Bowdon, Boykin, Cochrane, Culver, Critcher, Davis, Dawson, Foshee, Foster of Barbour, Foster of Macon, Fletelier, Gilbert, Hand, Hearn, Heacock, Hughes, Hutto, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Massey, Molett, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Woolf, Winn.

Mr. Griggs voted nay.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
January 23, 1879.

*Mr. Speaker:*

The Senate has adopted—

Joint resolution to raise joint committees to divide the chancery divisions into districts, and fix times and places for holding the courts therein.

W. L. CLAY,  
Secretary of Senate.

On motion of Mr. Woolf, the Senate joint resolution was taken up and adopted.

The House proceeded to the consideration of the bill—

H. B. 619. To regulate the record of conveyances in Barbour county.

Mr. Smith of Mobile, on behalf of the committee, submitted the following amendment:

By additional section, as section 5.

The amendment was adopted.

And the bill was ordered to a third reading forthwith, read the third time and passed—yeas 64, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Bowdon, Boykin, Brooks, Cochrane, Culver, Curtis, Clark of Lawrence, Critcher, Davis, Dawson, Foshee, Foster of Barbour, Fletcher, Gilbert, Haigler, Hearn, Heacock, Hughes, Huey, Hutto, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Massey, Molett, McCane, McDougald, McIlwain, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett—64.

Mr. Griggs voted nay.

Mr. Taylor of Lauderdale, from the committee on local legislation, reported favorably to the bill—

H. B. 498. To authorize the mayor and aldermen of the city of Talladega to license auctioneers, livery and sale stables and the running of hackney coaches, hacks, carriages, wagons, etc., for pay or hire, and to regulate the same.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 60, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Bowdon, Campbell, Cochrane, Culver, Clark of Conecuh, Critcher, Davis, Dawson, Evans, Foshee, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jolley, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Massey, McCane, McCarron, McDougald, Nicholson, Owens, Patton, Pitts, Purifoy, Ralls, Ramsey, Riley, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams—60.

Also, from same committee, reported favorably, with amendment, to the bill—

H. B. 399. To regulate the weighing, handling and sampling of cotton in the county of Montgomery.

Amend by adding to section 8—

Provided, that the defendant shall have the same right of

appeal from the decision of such justice, and in the same manner, as in other cases by law provided.

The amendment was adopted.

Mr. Culver moved to amend by including Bullock county within the provisions of the act.

Mr. Billingslea, to amend by including Dallas county.

" Pearson, Tuscaloosa county.

" Smith of Lowndes, Lowndes county.

" Smith of Autauga, Autauga county.

" Sheid, Calhoun county.

The amendments were severally adopted.

And the bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Smith of Lowndes, presented petitions and counter petitions in reference to stock law for certain portions of Lowndes county;

Which were referred to the committee on local legislation.

On motion of Mr. Taylor of Choctaw, the House adjourned until to-morrow morning 10 o'clock.

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### THIRTY-THIRD DAY.

HOUSE OF REPRESENTATIVES,

FRIDAY, Jan. 24, 1879.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Andrews.

On the call of the roll the following members answered to their names :

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Campbell, Cooper, Culver, Curtis, Clark of Lawrence, Clark of Mobile, Critcher, Davis, Davidson, Dawson, English, Evans, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Muldon, McCane, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of L., Sanders of M., Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of

Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—83.

Journal of yesterday read and approved.

#### ENROLLED BILLS SIGNED.

Mr. Fletcher, from the committee on enrolled bills, reported as correctly enrolled the following bills;

And the speaker, in the presence of the House, immediately after the titles had been publicly read, signed said bills:

H. B. 236. To authorize the court of county commissioners of Lauderdale county to issue new bonds for the purpose of paying off the old bonds of said county.

H. B. 435½. Joint memorial and resolution to Congress, asking that the public lands in Alabama be granted in aid of popular education.

By leave—

Mr. Waller, from the committee on corporations, reported a bill—

H. B. 684. To prevent damages to cattle and horses by railroad trains, and to regulate proceedings in such cases.

Which was read once, and ordered to a second reading on to-morrow;

And 200 copies were ordered printed.

On motion of Mr. Lawson, the vote by which the bill—

H. B. 399. To regulate the weighing, handling, and sampling bale cotton in the counties of Montgomery, Bullock, Dallas, Tuscaloosa, Lowndes, Autauga, and Calhoun—

Was ordered to a third reading,

Was reconsidered;

And the further consideration of the bill was postponed, and made the special order for to-morrow morning after the reading of the journal.

Mr. Foster of Barbour called up the motion entered by him to reconsider the vote by which the Senate bill—

s. 165. To establish a school district in Conecuh, to be known as the Evergreen school district;

Passed.

The motion was agreed to.

The vote ordering the bill to a third reading was also reconsidered, and the bill recommitted.

#### SPECIAL ORDER.

The House then proceeded to the consideration of the special order, viz:

The substitute reported to the bill—

H. B. 105. To divide the State into eight judicial circuits  
Mr. Huey moved to amend by taking Bibb from the 5th circuit and adding it to the 4th.

On motion of Mr. Foster of Barbour,

The amendment was laid on the table.

Mr. McCarron moved to amend by taking Marengo from the 1st circuit and adding it to the 4th.

The amendment was lost—yeas, 12, nays 67.

Yeas—Messrs. Brooks, Clark of Mobile, Davis, English, Foster of Macon, Jolley, Muldon, McCarron, Nettles, Smith of Mobile, Stribling and Winn—12.

Nays—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Betts, Billingslea, Boger, Boykin, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Lawrence, Critcher, Davidson, Dawson, Evans, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Molett, McCane, McIlwain, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Thompson, Willett, Williams, Woolf—67.

The substitute was adopted and the bill ordered to a third reading forthwith, read the third time and passed—yeas 55, nays 27.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Boger, Bowdon, Bradford, Brooks, Campbell, Cochrane, Cooper, Critcher, Davidson, Dawson, English, Evans, Foshee, Foster of Barbour, Foster of Macon, Gilbert, Griggs, Hand, Hearn, Heacock, Hutto, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Woolf—55.

Nays—Messrs. Betts, Billingslea, Boger, Boykin, Culver, Curtis, Clark of Lawrence, Clark of Mobile, Davis, Fuller, Fletcher, Haigler, Hughes, Huey, Jack, Jolley, Molett, Muldon, McCane, McIlwain, Nettles, Owens, Sanders of Madison, Smith of Lowndes, Steele, Waller, Winn—27.

## SECOND SPECIAL ORDER.

The House then proceeded to the consideration of the bill—

H. B. 406. In relation to fencing and operating railroads within the limits of Washington county.

Mr. Stribling moved to amend by adding at the close of section 4:

Provided, That the provisions of this act requiring such road, or roads, to build fences, shall not go into effect until such road shall fail for the space of sixty days to pay the value of the stock killed, or the value of the injury thereto, when the same is ascertained according to the provisions of this act, it being the true intent and meaning of this act that such fence shall not be built until after such failure, or refusal, to pay the value aforesaid.

The amendment was adopted.

Mr. Clark of Mobile moved to amend as follows:

1st. In section 1 strike out the words "the Mobile and Montgomery Grand Trunk Railroad," and insert "the Montgomery and Alabama Grand Trunk Railroad."

2nd. Amend by additional section numbered 5.

3rd. Strike out the word "agent" in the 20th line of 1st section.

4th. Insert after the word "thereon" in the 21st line, same section, these words: "Without default on the part of such corporation, or its agents, the negligence of the owner of such stock not contributing thereto."

The amendments were severally adopted.

Mr. Waller moved to amend as follows: Strike out the word "conclusive" in the 9th line of 2d section and insert *prima facie*.

The amendment was adopted.

Mr. Clark of Mobile moved to postpone the further consideration of the bill until the bill reported by the committee on corporations, this morning, in regard to the killing of stock by railroads, is disposed of.

Agreed to.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER,

January 24, 1879.

*Mr. Speaker:*

The Senate has concurred in the House amendment to Senate bills—

s. 93. To authorize fire and marine insurance companies in this State to reduce their capital stock ;

s. 130. To ratify an increase of the capital stock of the "Selma Press and Warehouse Company," at Selma, Ala.

And has passed the following House bills :

H. B. 263. To regulate the terms of the circuit court of Shelby county in the tenth judicial circuit of Alabama :

H. B. 70. To repeal an act entitled an act to require the tax collector of Bullock county to receive in payment of county taxes registered claims against the general fund of said county, approved February 9th, 1877.

And has amended, as therein shown, and passed House bill—

H. B. 340. To regulate the election of county commissioners of roads and revenue for Washington, Clay and Marion counties.

And has adopted House joint resolution,

To provide for the printing of the evidence and report of the special joint committee on swamp and overflowed lands.

And has also adopted joint resolution,

Providing for printing resolutions and memorials of the General Assembly to the Congress of the United States, and to other States.

And has originated and passed the following bills :

s. 196. For the relief of Sidney Kirkland, late tax collector of Henry county ;

s. 225. To fix the per diem and mileage of the commissioners court of Bullock county ;

s. 161. To enable insurance companies to adopt or abandon the mutual plan of transacting business ;

s. 94. To amend section one of an act entitled an act for the preservation of game animals and birds, in the counties of Mobile, Choctaw, Monroe, Washington, Baldwin, Marengo, Lowndes, Sumter, Escambia, Hale, Dallas, Montgomery and Greene, so far as the same applies to the counties of Greene and Marengo ;

s. 86. To carry into effect the intention of the Congress of the United States in its donation of a certain quantity of land to the State of Alabama, by the act of July 2, 1862 ;

s. 182. To amend section 1786 of the Code in relation to the powers of taxation of incorporated towns.

And has adopted—

s. 234. Joint resolution instructing the governor and treasurer to destroy and retire certain obligations of the State.



And has adopted  
s. 290. Memorial to the Congress of the United States, asking that quinine and other products of Peruvian bark may be admitted free from import duty.

W. L. CLAY,  
Secretary of Senate.

The Senate bills just received (s. 196, s. 225, s. 161, s. 94, s. 182, s. 86, whose titles are set out in the above message)—

Were severally read once, and ordered to a second reading on to-morrow.

#### BILLS ON SECOND READING.

The bill—

H. B. 675½. To amend section 5034 of the Code of Alabama;

Was read the second time and referred to the committee on fees and salaries.

The bill—

H. B. 676. To relieve W. P. Beeson, of Blount county, of the disabilities of non-age;

Was read the second time and referred to the committee on local legislation.

The bill—

H. B. 677. To change and define the eastern boundary line of Blount county;

Was read the second time and referred to the committee on counties and county boundaries.

H. B. 678. To ratify the compromise of the claim of the educational fund of Blount county against Frank A. Hanna;

Was read the second time and referred to the committee on education.

The bill—

H. B. 679. To authorize the court of county commissioners for the county of Jefferson to issue the bonds of said county for an amount not exceeding twenty thousand dollars, for certain purposes therein named.

And the Senate bill—

s. 253. To repeal an act in relation to trials for misdemeanors, in Tuscaloosa, and other counties therein named, approved March 19, 1875, so far as it relates to the county of Greene;

Were severally read the second time and referred to the judiciary committee.

The bills—

H. B. 680. To amend sub-division seven of section 369 of the Code of Alabama, relating to rate of taxation of shares of bank stock.

H. B. 681. To provide for reducing the rate of taxation in this State.

And the Senate bill—

s. 216. For the relief of W. L. Ferguson, tax collector of DeKalb county;

Were severally read the second time and referred to the committee on ways and means.

The bills—

H. B. 682. For the relief of Charles Linn, of Jefferson county.

H. B. 683. To make appropriations for the fiscal years ending September 30th, 1879, and September 30th, 1880.

And the Senate bill—

s. 210. To authorize and require the tax collector of Chambers county to assess and collect certain taxes therein named;

Were severally read the second time and referred to the committee on appropriations.

The Senate bill—

s. 123. To amend an act to incorporate the town of Evergreen, Conecuh county, approved March 28, 1873;

Was read the second time, and referred to the committee on corporations.

The Senate bill—

s. 191. For the relief of Miss M. H. Turner, of the county of Lawrence;

Was read the second time and referred to the committee on accounts and claims.

Mr. Boger presented a petition, which was referred with the bill.

#### SENATE BUSINESS.

Mr. Smith of Mobile, called up the Senate

s. 322. Memorial and resolution of the General Assembly, in relation to the harbor of Mobile;

And the House concurred in the same.

Also, concurred in the amendments of the Senate to the bill—

H. B. 31. To increase the criminal jurisdiction of justices of the peace and notaries public with like powers, in the coun-

ties of Lauderdale, Bullock, Conecuh and Wilcox—yeas 71, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Boykin, Bradford, Brooks, Campbell, Cooper, Curtis, Criteher, Davis, Davidson, Dawson, Evans, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Hutto, Jack, Kennedy, Lawrence, Lawson, Lee, Legg, Lowther, Molett, Muldon, McCarron, DeMougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Woolf, Winn—71.

#### SPECIAL ORDER.

The hour of 1 P. M. having arrived, the House proceeded to the consideration of the special order for this hour, viz: the Senate bill—

s. 132. To incorporate the town of Anniston, in Calhoun county.

Mr. Sheid moved to amend as follows:

Provided, that the provisions of this charter, as to the levying and collecting tax, shall not apply to C. J. Cooper, or any person living on his premises, either as to real or personal property. And provided further, that the corporate authorities shall not be required to expend any moneys on the premises of the said C. J. Cooper for any purpose whatever; and the corporate authorities are hereby prohibited from opening streets or avenues through the lands of the said C. J. Cooper, and from closing any roads leading to, from, or through his said lands. And provided further, that the said C. J. Cooper and all persons living on his premises, shall be amenable to all other laws and ordinances that may be legally adopted by the proper authorities of said corporation.

Mr. Waller called for the previous question.

The main question was ordered to be put.

The vote being first taken on the amendment—

It was lost.

And the bill was ordered to a third reading forthwith, read the third time and passed—yeas 66, nays 9.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Ash, Bailey, Barnett, Billingslea, Boger, Bowdon,

Boykin, Bradford, Brooks, Campbell, Cochrane, Cooper, Culver, Clark of Lawrence, Clark of Mobile, Davis, Davidson, Foster of Barbour, Fletcher, Gilbert, Haigler, Hearn, Heacock, Hughes, Hutto, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Molett, Muldon, McCarron, McDougald, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—66.

Nays—Messrs. Armstrong, Foshee, Griggs, McCane, McIlwain, Owens, Sanders of Madison, Sheid, Steele—9.

Mr. Waller moved to reconsider the vote by which the bill passed;

And to lay that motion on the table.

The latter motion was agreed to.

By leave, the following bills were introduced—

By Mr. Lawson—

H. B. 685. To repeal an act to make Shrove Tuesday, or Mardi Gras, a legal holiday, so far as applies to the county and city of Montgomery.

By Mr. Akers of Marion—

H. B. 686. To regulate the mode of election of county commissioners for the county of Marion, and to establish district lines in said county.

By Mr. Curtis—

H. B. 687. To authorize William J. Painter and James W. Bailey of Winston county to practice medicine.

By Mr. Walker—

H. B. 688. To repeal an act to require the court of county commissioners and the treasurer of Jefferson county to publish semi-annual exhibits of the receipts and expenditures of money for and on account of said county, approved March 8, 1876.

Also,

H. B. 689. To repeal an act to prohibit the sale, giving away, or other disposition of spirituous liquors, intoxicating bitters, or other intoxicating beverages, within three miles of the Methodist church in old Jonesboro, in Jefferson county, approved February 20, 1874.

By Mr. English—

H. B. 690. Declaring public drunkenness a misdemeanor, and providing a punishment therefor.

By Mr. Betts—

H. B. 691. To prescribe the notice to be given of tax sales.

Also,

H. B. 692. To provide for the collection of the poll tax.  
Also,

H. B. 693. To authorize and require the commissioner of swamp and overflowed lands to pay witnesses who have been summoned and gave testimony before said commissioners.

By Mr. Owens—

H. B. 694. To repeal sections 3286, 3287, and 3288 of the Code of 1876, so far as the same relates to Pike county.

By Mr. Smith of Mobile—

H. B. 695. To vacate and annul the charter and dissolve the corporation of the city of Mobile, and to provide for the application of the assets thereof in discharge of the debts of said corporation.

By Mr. Boykin—

H. B. 696. For the relief of P. V. R. Lee of Dallas county.

By Mr. Betts—

H. B. 697. To further define the duties of tax assessors.

By Mr. Smith of Mobile—

H. B. 698. To incorporate the port of Mobile, and to provide for the government thereof.

By Mr. Patton—

H. B. 699. To amend section 4369 of the Code.

By Mr. Armstrong—

H. B. 700. For the relief of Jason H. Talbot and Mary J. Wilkins of the county of Chambers.

Also,

H. B. 701. To declare a lien in favor of Blacksmiths.

By Mr. Foster of Macon—

H. B. 702. To compel officers who receive books from the State to deliver them to their successors, or to the probate judge of the county, when they retire from office.

By Mr. Sharpe—

H. B. 703. For the relief of the school fund of Morgan county.

Which bills were severally read once, and ordered to a second reading on to-morrow.

By leave—

Mr. Boykin offered the following resolution, which was adopted :

*Resolved*, That a select committee of five, consisting of the Speaker, the chairmen of the judiciary and appropriation committees respectively, and two other members of the House, to be appointed by the chair, be raised, to whom shall be referred the general appropriation bill, with instructions to inquire and report what should properly be embraced in said

bills, and what effect, if any, a failure to include in said bill any sum, or sums, which the law as now existing provides should be paid to officers, or other persons, or institutions, would have.

2. That said committee be further instructed to inquire into and report as to the proper construction to be placed upon sections 32 and 33, article iv, of the constitution, and, more especially, whether it is necessary for the General Assembly to embrace in the general appropriation bill, or bills, all sums and amounts for the ordinary expenses of the executive, legislative and judicial departments of the State, interest on the public debt, and for the public schools; and whether the auditor can properly draw warrants on the treasurer for expenditures as above, when not covered by the general appropriation bill; and that said committee report as early as practicable, not later than 28th inst.

Messrs. Williams and Lawson were appointed on said committee.

#### MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,  
MONTGOMERY, ALA., Jan. 24, 1879.

*Mr. Speaker:*

The Governor has approved the following bills, which originated in the House:

H. B. 326. To authorize the court of county commissioners of Lauderdale county to issue new bonds for the purpose of paying off the old bonds of said county.

H. B. 217. To authorize the county of Mobile to make and issue its bonds to a limited amount.

H. B. 435. Joint memorial and resolution to Congress, asking that the public lands in Alabama be granted in aid of popular education.

Very respectfully,

THOS. H. REYNOLDS,  
Recording Secretary.

Mr. Bradford, from select committee on game laws, reported favorably to the bill—

H. B. 552. To repeal an act for the preservation of game animals and birds in Mobile and other counties therein named.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 63; nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Bradford, Campbell, Cochrane, Cooper, Culver, Curtis, Critcher, Davis, Dawson, Foshee, Foster of Barbour, Fuller, Griggs, Haigler, Hearn, Heacock, Huey, Hutto, Jack, Kennedy, Lawrence, Lawson, Lee, Legg, Lowther, Molett, McCarron, McDougald, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sheid, Smith of Mobile, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—63.

Mr. Muldon voted nay.

Mr. Bradford, from same committee, reported favorably, with amendments, to the bill—

H. B. 551. For the preservation of game animals and birds in the counties of Mobile, Monroe, Marengo, Baldwin, Dallas, Lowndes, Hale, Montgomery, Clarke and Greene.

Amend as follows:

1st. Add Wilcox and Pike counties.

2nd. Exclude the county of Clarke.

The 1st amendment was adopted.

The House refused to adopt the second amendment.

Mr. Lee moved to amend by adding Pickens county.

Mr. Foshee moved to amend by adding Chilton county.

Mr. Heacock moved to amend by adding Talladega county.

Mr. Cooper moved to amend by adding Bibb county.

Mr. Smith of Autauga moved to amend by adding Autauga county.

Mr. Kennedy moved to amend by adding Clay county.

The amendments were severally adopted.

Mr. Jolley moved to amend by adding Washington county.

Lost.

Mr. Waller moved to amend by adding to section 7:

"Provided, That any person entitled to a portion of the fine or fines imposed under the provisions of this act, shall be allowed to testify upon the trial of any cause under this act."

Adopted.

And the bill was ordered to be engrossed for a third reading on to-morrow.

Leave of absence for to-day was granted Messrs. Caldwell, Taylor of Choctaw, and

To Mr. Cochrane for to-morrow.

On motion of Mr. Ralls,

The House adjourned until to-morrow morning, 10 o'clock.

## THIRTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,

SATURDAY, January 25, 1879.

The House met pursuant to adjournment.

Prayer by Rev. Dr. Ralls, of the House.

On the call of the roll, the following members answered to their names:

Messrs. Speaker, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Lawrence, Clark of Mobile, Critcher, Dark, Davis, Davidson, English, Evans, Foshee, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Martin, Molett, Muldon, McCarron, Nettles, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor, of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Woolf, Winn—76.

Journal of yesterday read and approved.

Leave of absence was granted—

Messrs. Register, Akers of Jefferson, James and McCane for to-day;

Also,

Mr. Crutcher for five days.

Mr. Sheid presented petitions of Thomas Kelly and John C. Archer,

Which were referred to the committee on education.

## ENROLLED BILLS SIGNED.

Mr. Fletcher, from the committee on enrolled bills, reported as correctly enrolled the following bills,

And the Speaker, in the presence of the House, immediately after the titles had been publicly read, signed said bills:

H. B. 31. To increase the criminal jurisdiction of justices



of the peace and notaries public with like powers, in the counties of Lauderdale, Wilcox and Lawrence.

H. B. 70. To repeal an act entitled an act to require the tax collector of Bullock county to receive in payment of county taxes registered claims against the general fund of said county, approved February 9th, 1877.

H. B. 263. To regulate the terms of the circuit court of Shelby county, in the tenth judicial circuit of Alabama.

#### SPECIAL ORDER.

The House proceeded to the consideration of the bill—

H. B. 399. To regulate the weighing, handling and sampling bale cotton in the counties of Montgomery, Bullock, Dallas, Tuscaloosa, Lowndes, Autauga and Calhoun.

On motion of Mr. Kirkpatrick,

The further consideration of the bill was postponed and made the special order for 11 A. M., Wednesday, 29th inst.

#### BILLS ON SECOND READING.

The bill—

H. B. 684. To prevent damages to cattle and horses by railroad trains and to regulate proceedings in such cases,

And the Senate bills—

s. 161. To enable insurance companies to adopt or abandon the mutual plan of transacting business;

s. 182. To amend section 1786 of the Code, in relation to the powers of taxation of incorporated towns.

Were severally read the second time and referred to the committee on corporations.

The bills—

H. B. 685. To repeal an act to make Shrove Tuesday, or Mardi Gras, a legal holiday, so far as applies to the county and city of Montgomery;

H. B. 687. To authorize William J. Painter and James W. Bailey, of Winston county, to practice medicine;

H. B. 688. To repeal an act entitled an act to require the court of county commissioners and the treasurer of Jefferson county to publish semi-annual exhibits of the receipts and expenditures of money for and on account of said county, approved March 8, 1876;

And the Senate bill—

s. 225. To fix the per diem and mileage of the commissioners' court of Bullock county—

Were severally read the second time and referred to the committee on local legislation.

The bill—

H. B. 686. To regulate the mode of election of county commissioners for the county of Marion, and to establish district lines in said county—

Was read the second time and referred to the committee on privileges and elections.

The bill—

H. B. 689. To repeal an act entitled an act to prohibit the sale, giving away, or otherwise disposing of spirituous liquors, intoxicating bitters, or other intoxicating beverages, within three miles of the Methodist church in old Jonesboro, Jefferson county, approved February 20, 1874—

Was read the second time and referred to the committee on temperance.

The bills—

H. B. 690. Declaring public drunkenness a misdemeanor, and providing a punishment therefor ;

H. B. 694. To repeal sections 3286, 3287 and 3288 of the Code of 1876, so far as the same relates to Pike county ;

H. B. 700. For the relief of Jason H. Talbot and Mary J. Wilkins, of the county of Chambers;

H. B. 701. To declare a lien in favor of blacksmiths;

H. B. 702. To compel officers who receive books from the State to deliver them to their successors, or to the probate judge of the county, when they retire from office—

Were severally read the second time and referred to the judiciary committee.

The bills—

H. B. 691. To prescribe the notice to be given of tax sales;

H. B. 692. To provide for the collection of the poll tax ;

H. B. 697. To further define the duties of tax assessors ;

And the Senate bill—

s. 196. For the relief of Sidney Kirkland, late tax collector of Henry county—

Were severally read the second time and referred to the committee on ways and means.

The bill—

H. B. 693. To authorize and require the commissioner of swamp and overflowed lands to pay witnesses who have been summoned and gave testimony before said commissioner—

Was read the second time and referred to the committee on appropriations.

The bills—

H. B. 695. To vacate and annul the charter and dissolve the corporation of the city of Mobile, and to provide for the application of the assets thereof in discharge of the debts of said corporation ;

H. B. 698. To incorporate the port of Mobile, and to provide for the government thereof—

Were severally read the second time and referred to the select committee composed of the members from Mobile.

The bills—

H. B. 696. For the relief of P. V. R. Lee, of Dallas county;

H. B. 703. For the relief of the school fund of Morgan county;

And the Senate bill—

s. 86. To carry into effect the intention of the Congress of the United States in its donation of a certain quantity of land to the State of Alabama, by the act of July 2, 1862—

Were severally read the second time and referred to the committee on education.

The bill—

H. B. 699. To amend section 4369 of the Code—

Was read the second time and referred to the committee on agriculture and commerce.

The Senate bill—

s. 94. To amend section 1 of an act entitled an act for the preservation of game animals and birds in the counties of Mobile, Monroe, Choctaw, Washington, Baldwin, Marengo, Lowndes, Sumter, Escambia, Hale, Dallas, Montgomery and Greene, so far as the same applies to the counties of Greene and Marengo—

Was read the second time and referred to the committee on game laws.

#### SENATE BUSINESS.

The House concurred in the Senate amendment to the bill—

H. B. 340. To regulate the election of county commissioners of roads and revenue for Washington, Clay and Marion counties—yeas 64, nays 0.

Yeas—Messrs. Speaker, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Bowdon, Bradford, Caldwell, Campbell, Cooper, Curtis, Clark of Mobile, Dark, Davis, Davidson, English, Foshée, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Hutto, Jack, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Molett, Muldon, McCarron, Nettles, Nicholson, Patton, Pear-

son, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—64.

The Senate—

s. 290. Memorial to the Congress of the United States asking that quinine and other products of Peruvian bark may be imported free from import duty—

Was read and adopted.

On motion of Mr. Smith of Mobile, the consideration of the Senate bill—

s. 234. Joint resolution instructing the Governor and Treasurer to destroy and retire certain obligations of the State—

Was postponed until action was taken on the bill—

To reduce the rate of taxation in this State.

By leave—

Bills were introduced:

By Mr. Purifoy—

H. B. 704. To authorize the payment of interest upon certain claims against the county of Wilcox.

By Mr. Ash—

H. B. 705. To make it a misdemeanor for any person to obtain marriage license contrary to law.

By Mr. Huey—

H. B. 706. To amend section 1255 of the Code of Alabama.

By Mr. Caldwell—

H. B. 707. For the relief of J. A. Speller, of Bullock county.

By Mr. Willett—

H. B. 708. To amend section 5028 of the Code.

By Mr. Williams—

H. B. 709. To require Senators and Representatives in Congress, judges of the several courts, the attorney general, solicitors, clerks of the circuit, city and supreme courts, sheriffs, justices of the peace, constables, the Secretary of State, auditor, and the State Treasurer, to obtain commission in accordance with section 153 of the Code.

By Mr. Clark of Mobile—

H. B. 710. To establish an inferior court of criminal jurisdiction for the county of Mobile, and to define the jurisdiction of said court and the criminal jurisdiction of justices of the peace in said county.

Also,

H. B. 711. To amend paragraph 14, section 494, of the Code.

Which bills were severally read once and ordered to a second reading on to-morrow.

MESSAGE FROM THE SENATE.

SENATE CHAMBER,

January 25, 1879.

*Mr. Speaker :*

The Senate has passed the following House bills :

H. B. 317. To establish a board of revenue for Autauga county, and to define the powers and duties of said board of revenue.

H. B. 177. To repeal an act to authorize the commissioners court of Franklin and other counties therein named to lay off their respective county into four commissioners' districts, approved, February 16th, 1875, so far as the same relates to the county of Barbour.

And has originated and passed the following bill, which was ordered to the House without engrossment :

s. 250. To amend an act, approved February 7, 1870, to incorporate the town of Uniontown, in Perry county.

And has originated and passed the following bills :

s. 236. To repeal an act entitling the judge of the probate court of Clarke county to charge and receive thirty per cent. increase on the fees of his office and five dollars for each minor apprenticed.

s. 257. To define and fix the corporate limits of the town of Courtland, in the county of Lawrence.

s. 269. To regulate the election of municipal officers in the city of Selma.

s. 194. To repeal an act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale, and Lawrence, approved March 3rd, 1870, so far as the same relates to the county of DeKalb.

W. L. CLAY, Secretary.

The Senate bills (s. 250, s. 236, s. 257, s. 194, s. 269), whose titles are set out in the above message,

Were severally read once and ordered to a second reading on to-morrow.

SENATE CHAMBER,  
January 25, 1879.

*Mr. Speaker:*

The President of the Senate having signed the following bills, your signature is requested :

s. 71. To incorporate the Brunswick and Albany Railroad Company, and to authorize the said company to extend their road from the western bank of the Chattahoochee river into the corporate limits of the city of Eufaula.

s. 48. Joint resolution requesting our Senators and Representatives in Congress to urge the enactment of such laws as may be necessary to prevent the exercise of jurisdiction by the courts of the United States in suits against municipal corporations in the several States.

W. L. CLAY.

And the speaker, in the presence of the House, immediately after their titles had been publicly read, signed said Senate bills (s. 71, s. 48).

On motion of Mr. Woolf, the regular order of business was suspended to allow committees to report.

Mr. Taylor of Lauderdale, from the committee on local legislation, reported favorably to the bill—

H. B. 316. To authorize Daniel Bodeford, of Autauga county, to engage in the business of a peddler without license.

Mr. Williams moved to recommit the bill to a special committee of five, with instructions to inquire and report whether the bill is one of that character inhibited by the constitution, and if so, that the committee report a general bill on the subject.

Mr. Taylor of Lauderdale called for a division of the question.

The question of commitment being first put,

Carried.

The question as to instructions being next put,

Was lost.

Mr. Woolf, from the judiciary committee, reported back to the House the Senate bill—

s. 105. To reduce the recording fees of judges of probate, registers in chancery and clerk of the supreme court in Alabama,

And asked that it be referred to the committee on fees and salaries.

The bill was so referred.

Mr. Taylor of Lauderdale, from the committee on local legislation, reported back to the House the bill—

H. B. 422. For the relief of certain tax payers and to raise revenue,

And asked that it be referred to the committee on ways and means.

The bill was so referred.

Also, from same committee, reported favorably, with amendment, to the bill—

H. B. 206. To authorize the people of Marion county to vote on the question of removing the county seat of said county, and to permanently locate the same.

Amend by inserting after the words "section one of" in 5th line of section 7, the words, "this act."

Adopted.

Mr. Akers of Marion moved to amend by striking out the name of Isham J. F. Floyd in section 2 and inserting James T. Young.

Also—

Amend same section by inserting after the words "suitable location" the words "within three miles thereof."

The amendments were severally adopted,

And the bill ordered to be eegrossed for a third reading on to-morrow.

Also, from the same committee, reported favorably to the bill—

H. B. 333. To abolish the office of county treasurer of Lowndes county and to provide for the duties of said office.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 56, nays 1.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Bowdon, Boykin, Caldwell, Cooper, Curtis, Clark of Mobile, Critcher, Dark Davis, Davidson, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Degg, Muldon, McCarron, Nettles, Nicholson, Pearson, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Lowndes, Smith of Mobile, Taylor of Lauderdale, Thompson, Waller, Williams, Woolf, Winn—56.

Mr. Steele voted nay.

Also, from same committee, reported favorably to the bill—

H. B. 212. To regulate the publication of legal notices in the county of Lamar.

Mr. Legg moved to amend by adding the county of Fayette.

Adopted,

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 59, nays 3.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Billingslea, Boger, Caldwell, Campbell, Cooper, Curtis, Clark of Mobile, Critcher, Dark, Davis, Davidson, Evans, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Hand, Hearn, Heacock, Hughes, Hutto, Jack, Jolley, Kennedy, Lawrence, Lawson, Legg, Lowther, Martin, Muldon, McCane, McCarron, Patton, Pearson, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Williams, Woolf, Winn—59.

Nays—Messrs. Bowdon, Brooks and Griggs.

Also, from same committee, reported favorably, to the bill—

H. B. 228. To repeal an act to consolidate the offices of circuit clerk and tax assessor for the county of Escambia.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 66, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Caldwell, Campbell, Cooper, Curtis, Clark of Lawrence, Clark of Mobile, Critcher, Dark, Davis, Davidson, Evans, Foshee, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Martin, Muldon, McCarron, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sheid, Smith of Antauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Willett, Williams, Woolf, Winn—66.

By leave,

Mr. Smith of Mobile, called up the Senate joint resolution, providing for the printing of resolutions and memorials of the general assembly to the congress of the United States and to other States,

And it was adopted.

#### SPECIAL ORDER.

The hour of 12 o'clock having arrived, the House pro-



ceeded to the consideration of the special order, viz: the substitute reported to the bill—

H. B. 356. To amend sub-division 8 of section 358 of the Code.

On motion of Mr. Bowdon,

The further consideration of the substitute was postponed and made the special order for 12 m., Saturday, 1st February.

#### BILLS ON THIRD READING.

The bill—

H. B. 345. To establish a new charter for the town of Cullman,

Was read the third time and passed—yeas 66, nays 0.

Yeas—Messrs. Speaker, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Brooks, Caldwell, Campbell, Curtis, Clark of Lawrence, Clark of Mobile, Critcher, Dark, Davis, Davidson, Evans, Foshee, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Muldon, McCarron, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Thompson, Willett, Williams, Woolf, Winn—66.

The bill—

H. B. 551. For the preservation of game animals and birds in the counties of Mobile, Monroe, Marengo, Baldwin, Dallas, Lowndes, Hale, Montgomery, Clarke, Greene, Wilcox, Pike, Talladega, Pickens, Bibb, Autauga, Chilton and Clay;

Was read the third time and passed—yeas 62, nays 3.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Bowdon, Boykin, Brooks, Caldwell, Campbell, Cooper, Curtis, Critcher, Dark, Davis, Davidson, Foshee, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Martin, Molett, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Taylor of Lauderdale, Thompson, Willett, Williams, Woolf—62.

Nays—Messrs. Clark of Mobile, English and Muldon.

## REPORTS RESUMED.

Mr. Taylor of Lauderdale, from the committee on local legislation, reported favorably, to the bill—

H. B. 229. To repeal an act to abolish the office of tax collector in the counties of Baldwin, Escambia and Sanford, so far as the same relates to Escambia county.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 65, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Brooks, Caldwell, Cooper, Curtis, Clark of Mobile, Critcher, Dark, Davis, Davidson, Evans, Foshee, Fuller, Fletcher, Griggs, Haigler, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Molett, Muldon, McCarron, Nettles, Nicholson, Patton, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Taylor of Lauderdale, Thompson, Willett, Williams, Woolf—65.

Also, from same committee, reported favorably to the bill—

H. B. 232. To repeal an act to increase the pay of witnesses in attendance upon the courts of Greene and Marengo counties, except justices' courts, approved February 8, 1872.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 64, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Bets, Billingslea, Boger, Boykin, Bradford, Caldwell, Campbell, Cooper, Curtis, Clark of Mobile, Critcher, Dark, Davis, Davidson, Evans, Foshee, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Martin, Molett, Muldon, McCane, McCarron, Nettles, Patton, Pearson, Pitts, Purifoy Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Woolf—64.

Also, from same committee, reported favorably, with amendment, to the bill—

H. B. 253. For the relief of Robert Parker, late coroner for the county of Montgomery.

Amend by striking out the word "general" in section 1, and inserting "fine and forfeiture."

The amendment was adopted,

And the bill was ordered to a third reading forthwith, read the third time and passed—yeas 63, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Betts, Boger, Bowdon, Boykin, Bradford, Caldwell, Campbell, Cooper, Clark of Mobile, Critcher, Dark, Davis, Davidson, Evans, Foshee, Foster of Barbour, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Lawrence, Lee, Legg, Lowther, Martin, Molett, Muldon, McCarron, Nettles, Pearson, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Taylor of Lauderdale, Thompson, Willett, Woolf, Winn—63.

Also, from the same committee, reported favorably to the bill—

H. B. 372. To repeal an act to restrain the powers of the commissioners court of Coffee county.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 59, nays 1.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Boykin, Bradford, Caldwell, Campbell, Cooper, Curtis, Clark of Mobile, Critcher, Dark, Davis, Davidson, Evans, Foshee, Foster of Barbour, Fuller, Fletcher, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Molett, Muldon, Nicholson, Owens, Patton, Pearson, Purifoy, Ralls, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Taylor of Lauderdale, Thompson, Willett, Williams, Woolf, Winn—59.

Mr. Boger voted nay.

Also, from same committee, reported favorably to the bill—

H. B. 591. To provide for a county solicitor for Mobile county.

Mr. Jolley moved to amend section one by way of a substitute.

The amendment was adopted,

And the bill was ordered to a third reading forthwith, read the third time and passed—yeas 58, nays 3.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Boykin, Cooper, Curtis, Clark of Lawrence, Clark of Mobile, Critcher, Dark, Davis, Davidson, English, Evans, Foshee, Foster of Barbour, Fuller,

Fletcher, Griggs, Hand, Hearn, Heacock, Hughes, Jack, Jolley, Kennedy, Lawrence, Lee, Legg, Lowther, Martin, Molett, Muldon, Nettles, Nicholson, Owens, Patton, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Stribling, Taylor of Lauderdale, Thompson, Willett, Winn—58.

Nays—Messrs. Bradford, Campbell and Woolf—3.

Also, from same committee, reported favorably to the bill—

H. B. 87. To amend subdivision one of an act to prescribe additional duties for the treasurer of Geneva county, approved February 5, 1877.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 54, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Boykin, Caldwell, Cooper, Curtis, Clark of Mobile, Critcher, Dark, Davis, Davidson, Foshee, Haigler, Hand, Hearn, Heacock, Hughes, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Molett, Muldon, Nettles, Owens, Patton, Pearson, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Taylor of Lauderdale, Thompson, Walker, Willett, Woolf, Winn—54.

Also, from same committee, reported favorably to the bill—

H. B. 412. To amend section 3 of an act to incorporate Ivey Creek Academy, in the county of Autauga.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 58; nays 0.

Yeas—Messrs. Speaker, Armstrong, Ash, Barnett, Betts, Boykin, Caldwell, Campbell, Cooper, Curtis, Clark of Lawrence, Clark of Mobile, Critcher, Dark, Davis, Davidson, Evans, Foshee, Foster of Barbour, Foster of Macon, Gilbert, Grigg, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Molett, Muldon, Owens, Patton, Pearson, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Winn—58.

Also, from the same committee, reported favorably to the bill—

H. B. 500. To make the fees of the officers of court of Wilcox county, in certain criminal cases, receivable in payment of debts due said county for fines and forfeitures.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 63; nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Boykin, Bradford, Caldwell, Cooper, Clark of Lawrence, Dark, Davis, Davidson, Evans, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Martin, Molett, Muldon, Nicholson, Patton, Pearson, Purifoy, Ralls, Rsmsey, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Woolf, Winn—63.

Also, from same committee, reported favorably to the bill—H. B. 553. For the relief of S. A. Dauphin, tax collector of Covington county.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 66; nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Boykin, Bradford, Caldwell, Campbell, Cochrane, Curtis, Clark of Lawrence, Critcher, Dark, Davis, Davidson, Evans, Foshee, Foster of Barbour, Foster of Macon, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lee, Legg, Lowther, Martin, Molett, Muldon, McCarron, Nicholson, Owens, Patton, Pearson, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sheid, Smith of Autauga, Smith of Mobile, Stribling, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Woolf, Winn—66.

Also, from same committee, reported favorably, with amendments, to the Senate bill—

s. 92. To lay off the county of Crenshaw into four commissioners' districts.

Amend by adding the counties of Covington, Pike, Cherokee, Escambia, Monroe, Henry, Dale, Clarke, Jackson, Bibb, and Chilton.

Amend title to correspond.

The amendments were severally adopted;

And the bill ordered to a third reading forthwith, read the third time, and passed—yeas 63, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Boykin, Brooks, Caldwell, Campbell, Cooper, Curtis, Clark of Mobile, Critcher, Dark,

Davis, Davidson, English, Evans, Foshee, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, McCarron, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sheid, Smith of Autauga, Smith of Mobile, Stribling, Taylor of Lauderdale, Thompson, Walker, Williams, Woolf, Winn—63.

Also, from same committee reported favorably to the Senate bill—

s. 45. To regulate the fine and forfeiture fund of Montgomery county, and the disposal of money arising from fines, forfeitures, and convict labor.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 52, nays 1.

Yeas—Messrs. Akers of Marion, Barnett, Betts, Boger, Boykin, Brooks, Caldwell, Campbell, Cooper, Clark of Lawrence, Dark, Davis, Davidson, Fuller, Fletcher, Griggs, Haigler, Heacock, Hughes, Huey, Hutto, Jack, Kennedy, Kirkpatrick, Lowther, Martin, McCarron, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Rushing, Sanders of Lamar, Sanders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Woolf, Winn—52.

Mr. Speaker voted nay.

Also, from same committee, reported favorably to the bill—

H. B. 404. To require the tax collector of Sumter county to receive in payment of county taxes valid registered claims against the general fund of said county.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 59, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Ash, Bailey, Barnett, Betts, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Curtis, Clark of Mobile, Critcher, Dark, Davis, Davidson, Evans, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Legg, Lowther, Martin, McCarron, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ramsey, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Winn—59.

Also, from same committee, reported favorably to the bill—

H. B. 568. To provide for the adjustment, compromise and payment of the bonds issued by Dallas county to the New Orleans and Selma Railroad Company and Immigration Association.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 58, nays 0.

Yeas—Messrs. Speaker, Ash, Bailey, Barnett, Boger, Boykin, Bradford, Caldwell, Cooper, Curtis, Dark, Davis, Davidson, English, Evans, Foshee, Foster of B., Foster of M., Fuller, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Lowther, Martin, Molett, Muldon, McCarron, Nicholson, Owens, Patton, Pearson, Rurifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Taylor of Lauderdale, Thompson, Willett, Woolf, Winn—58.

Also, from same committee, reported favorably, to the Senate bill—

s. 172. To authorize the owners of lots Nos. 186, 187, 188, 189, 190 and 191 in the town of Gadsden to remove the remains of persons buried in said lots.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 53, nays 3.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Boykin, Bradford, Caldwell, Campbell, Cooper, Curtis, Critcher, Davis, Davidson, Evans, Foshee, Foster of Macon, Fuller, Fletcher, Gilbert, Haigler, Hand, Hearn, Heacock, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Legg, Lowther, Martin, McCarron, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Mobile, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Woolf—53.

Nays—Messrs. Griggs, Hughes and Muldon—3.

Also, from same committee, reported favorably to the Senate bill—

s. 117. To repeal all special acts relating to the fees of judges of probate, justices of the peace, notaries public, and constables in Montgomery county.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 57, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Bradford, Brooks, Caldwell

Campbell, Cooper, Curtis, Critcher, Dark, Davis, Davidson, English, Foshee, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lowther, Martin, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Woolf—57.

Also, from same committee, reported back the bill—

H. B. 346. To allow Hardy Cain of Dale county and Joseph J. Boyt of Geneva county to peddle without license—

And asked that it be referred to the select committee to which was referred the bill for the relief of Daniel Bodeford.

It was so ordered.

The Speaker announced the following select committee on the bill for the relief of Daniel Bodeford:

Messrs. Williams, Foster of Macon, Martin, Sharpe, and Fletcher.

Also announced that he had added Mr. Willett to the committee on the Moffett liquor bill, in place of Mr. Sharpe, excused at his own request.

By leave—

Mr. Taylor of Choctaw offered joint resolution—

H. B. 712. Asking information from the Governor in reference to the claim of the State against Samuel Tate and his associates, and instructing suit to be brought thereon.

#### MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,  
MONTGOMERY, ALA., Jan. 25, 1879.

*Mr. Speaker:*

The Governor has approved the following bills, which originated in the House:

H. B. 263. To regulate the terms of the circuit court of Shelby county, in the tenth judicial circuit of Alabama.

H. B. 31. To increase the criminal jurisdiction of justices of the peace, and notaries public with like powers, in the counties of Lauderdale, Wilox, and Lawrence.

H. B. 70. To repeal an act entitled an act to require the tax collector of Bullock county to receive in payment of county taxes registered claims against the general fund of said county, approved February 9, 1877.

Very respectfully,

THOS. H. REYNOLDS,  
Recording Secretary.



## BILLS INTRODUCED.

By leave—

Bills were introduced as follows :

By Mr. Muldon—

H. B. 713. To regulate the fees of the assessor of Mobile county.

Also—

H. B. 714. To amend the first subdivision of paragraph 3 of section 494 of the Code.

Also,

H. B. 715. To to compensate the tax collectors of this State.

By Mr. Boger—

H. B. 716. To amend section 4443 of the Code.

By Mr. Haigler—

H. B. 717. For the relief of the public schools in township 13, range 12, of Lowndes county.

By Mr. Walker—

H. B. 718. To amend section 339 of the Code of Alabama.

Also,

H. B. 719. To require plaintiffs in civil cases to give security for costs.

By Mr. Davidson—

H. B. 720. For the relief of Austin M. South, of Blount county.

Also,

H. B. 721. For the relief of Andrew Manning, William M. Pruitt, and Kendiell M. Grimmett, of Cullman county.

By Mr. Hand—

H. B. 722. To amend section 4182 of the Code.

Which bills were severally read once, and ordered to a second reading on to-morrow.

Mr. Saunders of Madison presented—

Memorial from the commissioners' court of Madison favoring the repeal of the registration laws,

Which was referred to the committee on privileges and elections.

On motion of Mr. Woolf—

The House adjourned until Monday morning 10 o'clock.

## THIRTY-FIFTH DAY.

HOUSE OF REPRESENTATIVES,

MONDAY, Jan. 27, 1879.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Howell, of the Senate.

On the call of the roll the following members answered to their names :

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Lawrence, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Foshee, Foster of Barbour, Foster of Macon, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—81.

Journal of Saturday read and approved.

Leave of absence was granted—

To Messrs. Pitts, Register, Clark of Mobile, James, Brooks, Fuller and Gilbert for to-day;

To Mr. Bradford for five days;

Mr. Clark of Conecuh and Mr. Fonville, for this week.

## ENROLLED BILLS SIGNED.

Mr. Fletcher, from the committee on enrolled bills, reported as correctly enrolled the following bills;

And the Speaker, in the presence of the House, immediately after the titles had been publicly read, signed said bills :

H. B. 177. To repeal an act to authorize the commissioners' court of Franklin and other counties therein named to lay off their respective counties into four commissioner's districts,

approved February 16, 1875, so far as the same relates to the county of Barbour.

H. B. 317. To establish a board of revenue for Autauga county, and to define the powers and duties of said board of revenue.

Mr. Kirkpatrick moved to reconsider the vote passing senate bill—

s. 117. To repeal all special acts relating to the fees of judges of probate, justices of the peace, notaries public and constables, in Montgomery county.

Also, the vote ordering the bill to a third reading.

Agreed to.

Mr. Lwwson moved—

To amend by adding the following :

“Provided, That this act shall not apply to the fees of justices of the peace, notaries public and constables now in office during their present term of office.”

The amendment was adopted—

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 68, nays 0.

Yeas—Messrs. Speaker, Akers of J., Akers of M., Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Boykin, Caldwell, Campbell, Cochrane, Cooper, Culver, Critcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Foster of Barbour, Foster of Macon, Fletcher, Haigler, Hand, Hearn, Heacock, Huey, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Martin, Muldon, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Purifoy, Ralls, Ramsey, Riley, Sanders of L., Saunders of M., Sharpe, Sheid, Smith of Autauga, Smith of L., Smith of M., Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Willett, Williams, Wood, Woolf; Winn—68.

Mr. Woolf, from the committee on rules, by leave, reported a substitute for the resolution referred to it;

The substitute being as follows :

*Resolved*, that after the 4th day of February next, no new bill shall be introduced into the House, and the call of the counties dispensed with.

2. That after Tuesday next, the 28th inst., the House shall hold two sessions a day on Wednesdays, Fridays and Mondays, and that the afternoon sessions shall be devoted exclusively in considering reports from standing committees.

Mr. Foster of Macon called for a division of the question.

The vote being taken on the first resolution—

It was adopted.

Mr. Foster of Macon moved to amend second resolution so as to require the House to meet at 9 o'clock A. M.

Mr. Muldon moved to amend the amendment by making it 9½ A. M.

Adopted.

On motion of Mr. Boger—

The amendment of Mr. Foster of Macon was laid on the table.

The second resolution was adopted—

And the original resolution, as thus amended—

Was adopted.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,

Jan. 27, 1879.

*Mr. Speaker :*

The Senate has originated and passed the bills,

s. 218. To amend section 3949 of the Code.

s. 249. To prohibit the sale, giving away, or otherwise disposing of spirituous liquors within two miles of Shiloh church, near Honby's mills, post office in Blount county.

s. 158. To amend section 4465, 4475 and 4481 of the Code, regulating hard labor for the county.

s. 237. To prevent the granting of license and sale of spirituous liquors in Clark county, within four miles of the town of Coffeeville, in said county.

s. 190. To prohibit the sale, giving away, or otherwise disposing of any spirituous, vinous, or malt liquors, or intoxicating bitters, or intoxicating beverage, within two miles of the Centenary Institute, located at at Summerfield, Dallas county.

s. 83. To give to landlords a lien upon the property of tenants contained in dwelling houses and other buildings for the rent of such building, and to provide for the enforcement of such lien.

s. 100. In relation to guardians and their bonds,

And has adopted joint resolution,

s. 332. Authorizing the governor to appoint a committee to investigate intemperance as a cause of insanity, and to inquire into the working of reformatory institutions in other States.

W. L. CLAY,  
Secretary of Senate.

The Senate bills just received, whose titles are set out in the above message (viz. s. 218, s. 249, s. 158, s. 237, s. 190, s. 83, s. 100) were severally read once and ordered to a second reading on to-morrow.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor by his recording secretary Mr. Reynolds:

EXECUTIVE DEPARTMENT,  
Montgomery, Ala., Jan. 23, 1879.

*Gentlemen of the House of Representatives:*

In response to the resolution of your body, requesting the Governor, if not incompatible with the public interest, to furnish to the House of Representatives all statistics and other information that may be in his possession, which would or would not justify the General Assembly in reducing the rate of taxation, I have to say, there are no statistics in my possession upon the subject referred to, other than those already in your possession. I hope, however, I may be pardoned for calling your attention to a few facts, which, in my judgment, ought to be considered in determining the rate of taxation at the present session.

For several years past the taxable property of the State has diminished in value, as shown by the assessments, from about one hundred and sixty millions to about one hundred and twenty-five millions of dollars. The reports of the assessments, as far as heard from, I am credibly informed, show a further diminution in value, and if those yet to be reported decrease in proportion to those already reported, the assessed value of the taxable property for the present year, will in all probability be ten millions of dollars or more less than that of last year. I am informed that in one county alone the decrease will be at least four millions. The amount of interest to be paid on the bonded indebtedness of the State, under the debt statement, even at the present rate of interest, will increase as additional bonds are exchanged; hence the interest to be paid in July next will exceed that paid this present month, in proportion to the bonds exchanged up to the 30th day of June next. This exact increase cannot be now stated, as I cannot tell the number and amount of new bonds that may be exchanged. This increase will

continue until all the bonds covered by the debt settlement shall have been exchanged. In 1881 this will be augmented by an increase in the rate of interest from two to three per cent. on one class of bonds, and from two to four per cent. upon another, which will amount to an annual increase of one-third of the present interest, or about ninety thousand dollars.

The amount of the surplus, shown by the reports of the Auditor and Treasurer to be on hand on the first of October last, was nominal and not real, as large liabilities, which should have been paid prior to the 30th of September last, were in fact paid since the 1st of October last, and will therefore reduce the actual surplus to that extent. I am informed that the balance which will remain in the treasury at the end of the present session will not, in all probability, exceed sixty thousand dollars, including about forty thousand dollars in State obligations, and five thousand in what is known as the Patton certificates, all of which will be destroyed as provided by law, leaving at the end of the present session only about fifteen thousand in cash, and this includes all the revenue collected and paid into the treasury up to this date. The high rate of interest paid upon the "State obligations," together with the expense attending its payment, makes it of the utmost importance to take them up at the earliest possible moment, and it will be my purpose to destroy them when any considerable quantity shall accumulate in the treasury.

At the present rate of taxation, if the value of the taxable property of the State is materially diminished, or if the rate be reduced and last year's assessments be maintained, still the actual receipts into the treasury will be less than the actual disbursements, and the surplus now on hand will be absorbed in proportion to the deficit in the receipts, and in my judgment this balance will be exhausted by or before the 1st of January, 1881. This assumes that the disbursements for current expenses will remain substantially the same as that of last year. In this connection, we must not forget the fact that but a comparative small amount of the taxes for the current year ever reach the treasury prior to the first of January, and the State will be without the means to pay the expense of the session of the General Assembly of 1880, as well as the January interest in 1881, and less able to provide for the increased interest in July, 1881.

If the present rate and last year's assessment be maintained for 1879 and 1880, the balance on the 1st of October, 1880 will not exceed \$136,000, and as but a small amount of

the taxes for the year will go into the treasury by the 1st of January, 1881, the demands upon the treasury occasioned by the expense of the session of the General Assembly of 1880, about \$40,000, and the January interest in 1881, about \$160,000, will exceed the cash in the treasury \$64,000 for the payment of which a loan will have to be negotiated, until a sufficient amount shall be collected from the taxes of that year to pay the same. I am advised by the treasurer that this result may be regarded as almost a certainty.

I have called your attention to the foregoing facts because I deem it but the part of wisdom not only to prepare for our present necessities, but to look beyond the moment and provide for the prompt and faithful discharge of liabilities certain to mature in the near future. Confidence is the only sure and permanent foundation upon which governmental credit can or will ever rest, and credit, like private character, is peculiarly sensitive. Even a breath of suspicion, when once fastened upon the public mind, is as fatal as if a real cause of distrust existed.

I know it is your earnest desire to do no act which in the least will impair, much less destroy, that confidence which has appreciated our bonds above those of every other Southern State, except, perhaps, those of the State of Georgia, and it is highly gratifying to me to be able to say, and doubtless equally so to you to learn, that upon the prompt payment of the present January interest our bonds advanced about four per cent. in value, and our State is fast gaining an enviable reputation, which nothing can check save default in the prompt discharge of our new obligations.

R. W. COBB,  
Governor.

The message just received was taken up and read,  
And, on motion of Mr. Davis, laid on the table and 500 copies ordered printed.

Mr. Boger moved to reconsider the vote by which bill H. B. 333 passed on yesterday ;

Which, on motion of Mr. Haigler, was laid on the table.

Mr. Boger was allowed to change his vote from yea to nay, on the passage of the bill.

By leave,

Mr. Betts, from committee on ways and means, reported back the bill—

H. B. 692. To provide for collection of poll-tax, and asked its reference to committee on education ;

So ordered.

Mr. Muldon, from the joint committee to visit the Insane Asylum and State University, submitted the following

#### REPORT.

*To the Senate and House of Representatives :*

GENTLEMEN—The committee have the honor to submit the following report in reference to the Alabama Insane Hospital :

We made a careful examination of the buildings and grounds of the institution, and found them in an unexceptionably good condition. Nothing could be seen anywhere that failed to exhibit that the utmost care had been taken to secure the comfort, and conduce as much as possible to the pleasure, relief and recovery of the most sadly afflicted citizens of our country, entrusted by their friends and the commonwealth to the guardianship of the Asylum.

The wards were clean, the beds neatly and comfortably furnished, and the tables well supplied with nutritious food. But we call attention to the fact that the wards are overcrowded, because there is not sufficient room to accommodate so great a number if even the patients should be distributed without reference to classification. The patients are well classified, well clad, and those whose condition require it, are constantly attended by competent and faithful nurses, under the direction of the physicians and the excellent matron, Mrs. Harriet Woodall.

The hospital is well ventilated, kept properly heated by steam, lighted by gas, conveniently supplied with water, and well protected against fire. In all of its apartments it presents the appearance of a pleasant and well regulated home.

We examined the books of the steward, Mr. H. T. Matthews, and found them neatly and systematically kept.

We found that everything was fairly and honestly represented in the last annual report of the trustees and superintendent of the institution.

Too much praise cannot, in our opinion, be bestowed upon Dr. Bryce and his very efficient assistants, Drs. Huger and Cochrane, for their attentive and humane conduct in the performance of their arduous duties.

We feel that our duty would be incompletely done should we fail to make especial mention of Mrs. Nellie Bryce, the inestimable wife of the superintendent, for her personal devotion to the interests and happiness of the afflicted.



In conclusion, we present a printed copy of further inquiries made by the committee, and the replies by the superintendent, as a part of our report. All of which is most respectfully submitted and commended to your earnest and deliberate consideration.

FRANCISCO RICE,  
JNO. D. ROQUEMORE,  
Senate Committee.

SAM'L C. MULDON,  
A. W. GRIGGS,  
B. M. HUEY,

Committee on the part of the House.

#### ALABAMA INSANE HOSPITAL.

TUSCALOOSA, ALA., Dec. 14, 1878.

*To the Hon. Messrs. Rice, Roquemore, Muldon, Huey and Griggs, Committee of the Legislature to visit the Alabama Insane Hospital:*

GENTLEMEN—The following brief replies to the inquiries made by you during your official visit to the hospital on the 11th and 14th inst. have been printed in our office for the more convenient use of the committee, and one hundred and fifty copies are respectfully presented.

*Question.*—How many patients were in the hospital on the 1st of December, 1878; how many were refused admission during the fiscal year, from the several counties, and what were the causes of such refusal?

*Answer.*—There were 406 patients under treatment in the hospital on the 1st of December, 337 of whom were white and 69 colored. Of the white, 184 were men and 153 women. Of the colored, 32 were men and 37 women. Of the whole number, 378 were indigent and supported by the State, and 28 were private patients who paid their own expenses. During the twelve months ending October 1st, 1878, there were 167 applicants for admission to the hospital, 102 of whom were accepted and 65 were refused for want of room. Of those accepted, 21 were for various reasons not brought to the hospital.

The cause of these refusals, as stated above, has been in every case the want of room. On page 10 of the regular annual report for 1878 of the superintendent of the hospital is given the following explanation and reasons for the discrimination which has been made in the reception of patients:

"As heretofore reported, for several years past the applications for admission to the hospital were far in excess of the accommodation. During the biennial period with which this report closes, there were 311 applications for admission, of which only 158 were received. You are aware of the fact that when the capacity of the institution became inadequate to the reception of all who applied for treatment, the law restricting the admission to the recent and curable cases was put into operation. As I remarked in my last report, this is a most important as well as humane provision. Without it the hospital would long since have been filled with incurables for whom there could be entertained no hope of recovery or removal except by death. This would practically have closed the doors against further admissions, and the functions of the institution would have rapidly degenerated into those of a mere custodial establishment instead of a hospital, in fact as well as in name, for the treatment and relief of one of the most serious and at the same time one of the most tractable of all organic diseases. The operation of the law, however, notwithstanding the greatest care has been exercised to put it into execution, is often so difficult and embarrassing that much of its apparent effectiveness has been lost. The antecedent facts and history of each case of insanity, which the statute requires shall be forwarded to the superintendent before the patient can be received for treatment, are often both intentionally and inadvertently mis-stated, and in this way a certain proportion of incurable cases gain admission to the hospital; while on the other hand the vacancies which occur, remaining unclaimed by the recent and curable cases which are by law entitled to them, are finally filled by a class of chronic cases far less hopeful of recovery. It is indeed gratifying to be able to record that but few cases of acute insanity, which we had reason to believe could be cured by treatment in the hospital, have been refused admission during the year. The only occasion of regret to us, as it doubtless is to you and to all who are truly interested in the welfare of this unfortunate class, is that any should be refused. But those only can truly understand the bitterness of those refusals whose nights and days are spent in weary watchings, and whose happiness and peace of mind have been merged into a perpetual solicitude for the welfare and safety of their lives and property."

Colored women, laboring under acute and curable forms of insanity, have been and are still refused admission for want of room. The ward occupied by this class, with a com-

fortable capacity for twenty-two patients, is now crowded with thirty-seven. This condition of things cannot be changed until further provision has been made for the colored women.

Both white and colored men (recent and curable cases), were refused admission until about three months ago, when the new lodge (fully described on page 45 and 46 of the report of the superintendent), for the special accommodation of the colored men, was completed.

Since the occupation of this lodge the recent cases of both classes have been received. At present there are a few unclaimed vacancies in the wards for white women, and in the new lodge for colored men.

Of the chronic insane for whom application was made during the year many were of the most violent and dangerous type, and we were compelled to refuse them, in many instances, against the petitions and remonstrances of their friends, county officers, and often of the entire communities in which they reside. We have received letters by the score appealing to us in behalf of these unfortunates, who were either locked up in the county jails, or chained in outhouses, naked, neglected, ill-fed and often abused, or who were roaming at large through the country, a terror to their families and the communities into which they straggle. To close our ears to these piteous appeals, as we are now compelled to do, has become the most painful duty connected with our office.

The superintendents of American hospital for the insane—a distinguished body of experienced physicians, embracing an active membership of over one hundred of the most scientific alienists in America—in a series of propositions relating to the construction of hospitals, and the care of the insane, declared, with all the emphasis of united action, that it was plainly the duty of every State to provide liberally for this helpless and unhappy class of its citizens; that it was inexpedient and unsafe to crowd the wards of our hospitals beyond their capacity for the safe, healthful and comfortable keeping and treatment of the patients, and that such a course was alike highly prejudicial to the interests of the State and the welfare of the insane. The following resolutions are among the latest expressions of this eminent body on the subject under discussion, and are well worthy of your respect and earnest consideration.

*Resolved*, That every State should make ample and suitable provision for all its insane.

*Resolved*, That no expense that is required to provide just as many hospitals as may be necessary to give the most skillful and enlightened care to all their insane can properly be regarded as either unwise, inexpedient, or beyond the means of any one of the United States or British provinces.

*Resolved*, That this association regards the custom of admitting a greater number of patients than the buildings can properly accommodate, which is now becoming so common in hospitals for the insane, in nearly every section of the country, as an evil of great magnitude, productive of extraordinary dangers, subversive of the good order, perfect discipline, and greatest usefulness of these institutions, and of the best interests of the insane.

*Resolved*, That this association having repeatedly affirmed its well-matured convictions of the humanity, expediency and economy of every State making ample provision for all its insane, regards it as an important means of effecting this object that these institutions be kept in the highest state of efficiency, and the difference in condition of patients treated in them and those kept in almshouses, jails, and even private houses, be thus most clearly demonstrated.

*Resolved*, That while fully recognizing the great suffering and serious loss that must result to individuals by their exclusion from hospitals when laboring under an attack of insanity, this association fully believes that the greatest good will result to the largest number, and at the earliest day, by the adoption of the course now indicated.

*Resolved*, That the boards of management of the different hospitals on this continent be urged, most earnestly, to adopt such measures as will effectually prevent more patients being admitted into their respective institutions than, in the opinions of their superintendents, can be treated with the greatest efficiency, and without impairing the welfare of their fellow-sufferers.

*Resolved*, That the secretary be instructed to furnish a copy of these resolutions to the boards of management of the different hospitals for the insane in the United States and British Provinces.

The official utterances of the association of American superintendents, on all matters pertaining to the insane, are received as the highest authority, both in this country and Great Britain. To use the words of an English superintendent, referring to the various "propositions and resolutions" adopted by the association from time to time, "They have done much to shape the course of action of medical men con-

nected with the specialty, not only in England, but throughout Europe, and have been translated into French, German, and other languages, and published in all the most important foreign journals."

*Question.* What was the first cost of the Alabama Insane Hospital, and what additions to the present buildings are needed to meet the present demand for admissions?

*Answer.* From first to last the State has appropriated \$300,000 for the construction and completion of the present buildings, and I presume that \$50,000 in addition has been saved from the current revenues of the hospital and expended, in the last eighteen years, in permanent improvements. A description of the huge building, three and four stories high, measuring nearly 800 feet in length, and now filled with patients, with the several outbuildings, including the extensive and complete machine shops, boiler and pump houses, steam laundry, barns, stables, &c., would occupy more time than you would be willing to give to its perusal. A brief but good description of them can be found in the Hand Book of Alabama, by Saffold Berney. Large as the sum expended in construction may seem, it is less, far less, than the average cost of similar institutions in other States of the same size and completeness.

The report was received, and

Five hundred copies ordered printed.

#### BILLS ON SECOND READING.

The bills—

H. B. 704. To authorize the payment of interest upon certain claims against the county of Wilcox ;

H. B. 707. For the relief of J. A. Speller, of Bullock county ;

And the Senate bill—

s. 194. To repeal an act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale, and Lawrence, approved March 3rd, 1870, so far as the same relates to the county of DeKalb—

Were severally read the second time and referred to the committee on local legislation.

The bills—

H. B. 705. To make it a misdemeanor for any person to obtain marriage license contrary to law ;

H. B. 718. To amend section 339 of the Code of Alabama;

H. B. 722. To amend section 4182 of the Code—

Were severally read the second time and referred to the judiciary committee.

The bills—

H. B. 706. To amend section 1255 of the Code of Alabama;

H. B. 717. For the relief of the public schools in township 13, range 12, of Lowndes county;

H. B. 720. For the relief of Austin M. South, of Blount county;

H. B. 721. For the relief of Andrew J. Manning, Wm. M. Pruitt and Kindrell S. Grimmett, of Cullman county—

Were severally read the second time and referred to the committee on education.

The bills—

H. B. 708. To amend section 5028 of the Code;

H. B. 709. To require senators and representatives in Congress, judges of the several courts, the attorney general, solicitors, clerks of the circuit, city and supreme courts, sheriffs, justices of the peace, constables, the secretary of state, auditor and state treasurer, to obtain commissions in accordance with section 153 of the Code;

H. B. 719. To require plaintiffs in civil cases to give security for costs;

And the Senate bill—

s. 236. To repeal an act entitling the judge of the probate court of Clarke county to charge and receive thirty per cent. increase on the fees of his office, and five dollars for each minor apprenticed—

Were severally read the second time and referred to the committee on fees and salaries.

The bill—

H. B. 710. To establish an inferior court of criminal jurisdiction for the county of Mobile, and to define the jurisdiction of said court, and the criminal jurisdiction of justices of the peace, in said county—

Was read the second time and referred to the select committee composed of the Mobile delegation.

The bills—

H. B. 711. To amend paragraph 14, section 494, of the Code;

H. B. 713. To regulate the fees of the tax assessor of Mobile county;

H. B. 715. To compensate the tax collectors of this State;

H. B. 716. To amend section 4443 of the Code—

Were severally read the second time and referred to the committee on ways and means.

The Senate bills—

s. 257. To define and fix the corporate limits of the town of Courtland, in the county of Lawrence;

s. 250. To amend an act, approved February 7, 1870, to incorporate the town of Uniontown, in Perry county;

Were severally read the second time, and referred to the committee on corporations.

The Senate bill—

s. 269. To regulate the election of municipal officers in the city of Selma,

Was read the second time and referred to the committee on privileges and elections.

#### SENATE BUSINESS.

The House concurred in the Senate joint resolution—

s. 332. Authorizing the Governor to appoint a committee to investigate intemperance as a cause of insanity, and to inquire into the workings of reformatory institutions in other States.

#### BILLS ON THIRD READING.

The bill—

H. B. 206. To authorize the people of Marion county to vote on the question of removing the county seat of said county, and to permanently locate the same—

Was read the third time and passed—yeas 64, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Caldwell, Campbell, Cochran, Cooper, Curtis, Critcher, Dark, Davis, Davidson, Dawson, Evans, Foshee, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Huey, Jack, Jolley, Kirkpatrick, Lawrence, Lee, Lowther, Lyons, Massey, Molett, Muldon, McCarron, Owens, Patton, Pearson, Purifoy, Ralls, Reynolds, Riley, Rushing, Sanders of Lamar, Sanders of Madison, Sheid, Smith of Mobile, Steele, Stribling, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—64.

## CALL OF THE COUNTIES.

On the call of the counties, bills were introduced ;

By Mr. Caldwell—

H. B. 723. To define and limit the criminal jurisdiction of justices of the peace, and notaries public with like powers, in Bullock county.

By Mr. Culver—

H. B. 724. To prevent the sale of spirituous, vinous, malt liquors, or intoxicating bitters of any kind, within two miles of Sardis church in Bullock county.

By Mr. Alexander—

H. B. 725. To amend section 586 of the Code of Alabama.

By Mr. Riley—

H. B. 726. For the relief of I. D. Hudson, door-keeper of the House of Representatives.

By Mr. Patton—

H. B. 727. To regulate the hiring of convicts sentenced to hard labor for the county.

By Mr. Akers of Jefferson—

H. B. 728. To amend section 2461 of the Code.

By Mr. Boger (by request)—

H. B. 729. To establish an inferior court of record in the town of Courtland, county of Lawrence.

By Mr. Critcher—

H. B. 730. To declare Samuel Prentice a citizen of Marshall county.

Also,

H. B. 731. To authorize the commissioners' court of Marshall county to establish free ferries.

By Mr. Muldon—

H. B. 732. To regulate the buying and selling of oysters in the shell by measure.

Also,

H. B. 733. To amend paragraph 6 of section 358 of the Code.

Also, for Mr. Clarke of Mobile—

H. B. 734. To regulate the issuance of executions and final process from the city and circuit courts of Mobile.

By Mr. Clopton (Mr. Walker in the chair)—

H. B. 735. To amend section 401 of the Code of Alabama.

Also,

H. B. 736. To authorize railroad companies chartered in this State to make leases.

Also,



H. B. 737. To provide for the discharge and release of the trustee appointed by the Governor under authority of the nineteenth section of the act to ratify and confirm the settlement of the existing indebtedness of this State, as proposed in the report of the commissioners appointed under the act, approved December 17, 1874, and which was communicated by message of the Governor, of January 24, 1876, approved February 23, 1876.

Also,

H. B. 738. To amend an act to amend section 7 of an act to abolish fencing in certain portions of Montgomery county, approved January 29, 1867, approved March 17, 1875.

By Mr. Kirkpatrick—

H. B. 739. To prohibit the sale or giving away of spirituous liquors within three miles of Centre Point school house in Montgomery county.

By Mr. Huey—

H. B. 740. To incorporate the Alabama Baptist normal and theological school at Selma.

By Mr. Willett—

H. B. 741. To regulate the holding of the circuit courts in the sixth judicial circuit.

By Mr. Dark—

H. B. 742. To construe an act to regulate the publication of legal notices in this State, approved Feb. 9, 1877.

By Mr. Cochran—

H. B. 743. To provide for the payment of the expenses of the joint committee appointed to visit and inspect the Alabama Insane Hospital and the State University at Tuscaloosa.

By Mr. Cooper—

H. B. 744. To establish an independent school district in Bibb county, with six mile academy for its central point.

By Mr. Clark of Lawrence—

H. B. 745. For the relief of Mrs. Sallie Morton of Lawrence county.

By Mr. Betts—

H. B. 746. To authorize the Governor to mitigate the sentence of persons sentenced to hard labor for the county.

By Mr. Martin—

H. B. 747. To amend section 5046 of the Code.

By Mr. Stribling—

H. B. 748. To authorize and require the auditor to draw his warrant on the State treasurer in favor of the county superintendent of education of Washington county, for the

balance due the school fund of said county, exclusive of poll tax, for the scholastic year ending Sept. 30, 1876.

Also,

H. B. 749. To authorize and require the auditor to draw his warrant on the tax collector of Washington county in favor of the county superintendent of education of said county, for the balance due the school fund of said county, exclusive of poll tax, for the scholastic years ending Sept. 30, 1874, and Sept. 30, 1875.

By Mr. Huey—

H. B. 750. To amend section 1317 of the Code of Alabama.

Which bills were severally read once, and ordered to a second reading on to-morrow.

Mr. Jack presented petition of citizens favoring the passage of a prohibitory liquor law as to Belgreen, Franklin county;

Which was referred to the committee on temperance.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Lowther, from the committee on accounts and claims, reported favorably to the bill—

H. B. 445. To require and regulate the registration of claims against the fine and forfeiture fund of the several counties of Alabama.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 71, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Caldwell, Campbell, Cochrane, Cooper, Curtis, Critcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Foshee, Foster of Barbour, Foster of Macon, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, Nettles, Owens, Patton, Pearson, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autanga, Smith of Lowndes, Stribling, Taylor of Lauderdale, Thompson, Willett, Williams, Woolf—71.

Also, from the same committee, reported favorably, with amendment, to the bill—

H. B. 493. For the relief of J. N. Blanton of Pickens county.

Amend by striking out "sixty-two dollars and forty cents," and inserting "six dollars and eighty cents."

The amendment was adopted.

And the bill ordered to a third reading forthwith, read the third time, and passed—

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Boger, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Critcher, Dark, Davis, Davidson, Dolive, Evans, Foshee, Foster of Barbour, Foster of Macon, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, McCane, McCarron, Nettles, Owens, Patton, Pearson, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Mobile, Steele, Thompson, Willett, Williams, Woolf, Winn—68.

Also, from the same committee, reported favorably, to the Senate bill—

s. 126. For the relief of John H. Harris, of the county of Lawrence.

Which bill was ordered to a third reading forthwith, read the third time and passed—yeas 63, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Caldwell, Campbell, Cooper, Culver, Clark of C, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Foshee, Foster of Barbour, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Jack, Jolley, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Muldon, McCane, McCarron, McIlwain, Nettles, Patton, Pearson, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Lowndes, Smith of Mobile, Steele, Thompson, Willett, Williams, Woolf, Winn—63.

Also, from same committee, reported favorably, to the bill—

H. B. 395. To authorize the auditor to draw his warrant in favor of N. J. and C. G. Sanford.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 71, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Lawrence, Critcher, Dark Davis, Davidson, Dawson, Dolive, English, Evans, Foshee, Fletcher, Griggs, Hand, Hearn, Heacock, Hughes, Hutto, Jack, Jolley, Lawrence,

Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Patton, Pearson, Purifoy, Ralls, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Willett, Williams, Woolf, Winn—71.

Mr. Williams, from the committee on privileges and elections, reported favorably to the bill—

H. B. 686. To regulate the mode of election of county commissioners for the county of Marion, to establish district lines in said county.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 69, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Caldwell, Campbell, Cochrane, Cooper, Culver, Critcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Foshee, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Hutto, Jolley, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, Nettles, Owens, Patton, Pearson, Purifoy, Ralls, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Lowndes, Steele, Stribling, Taylor of Lauderdale, Thompson, Willett, Williams, Woolf, Winn—69.

Also, from the same committee, reported favorably to the bill—

H. B. 432. To amend section 276 of the Code of Alabama.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 51, nays 17.

Yeas—Messrs. Akers of Jefferson, Akers of Marion, Ash, Bailey, Betts, Billingslea, Boger, Caldwell, Campbell, Cooper, Culver, Curtis, Critcher, Davidson, Dolive, Foshee, Foster of Barbour, Griggs, Haigler, Heacock, Hughes, Hutto, Jolley, Kirkpatrick, Lawson, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Purifoy, Ralls, Reynolds, Riley, Rushing, Saunders of Madison, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Lauderdale, Thompson, Willett, Williams, Wood, Woolf—51.

Nays—Messrs. Speaker, Alexander, Armstrong, Cochrane, Dark, Davis, Dawson, English, Hand, Hearn, Lawrence, Lee, Legg, Patton, Sharpe, Steele and Winn—17.

Also, from same committee, reported favorably to the bill—

H. B. 433. To amend section 274 of the Code.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 63, nays 10.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Bowdon, Boykin, Caldwell, Cochrane, Cooper, Culver, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lee, Lowther, Lyons, Martin, Massey, Muldon, McCane, McCarron, McIlwain, Nettles, Patton, Pearson, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Smith of Autauga, Smith of Mobile, Thompson, Willett, Williams, Wood, Woolf—63.

Nays—Messrs. Boger, English, Lawrence, Legg, Owens, Sheid, Steele, Stribling and Winn—10.

Also, from same committee, reported favorably to the bill—

H. B. 545. For the relief of Henry R. D. Treadwell, of Randolph county.

On motion of Mr. Williams,

The further consideration of the bill was postponed until the select committee to which the bill for relief of D. Bodeford was referred, makes it report.

By leave,

Mr. Ralls offered joint resolution

Raising a joint committee on the subject of charges by railroads for freight and passengers,

Which was read and adopted.

#### REPORTS RESUMED.

Mr. Smith of Mobile, submitted the following report :

*Mr. Speaker :*

H. B. 460. In performance of the duty imposed by the adoption of the resolution instructing the committee on federal relations to prepare a memorial from this House to the Congress of the United States, representing to that body the misuse and abuse of power by certain United States officials in the State of Alabama, against citizens of said State ; and in compliance with the memorial of a large number of citizens

of Cleburne county, of this State, relating to the same subject, which were also referred to this committee, as well as the memorial presented by the member from Lawrence, it respectfully reports :

That they have inquired, as far as practicable, and from the statements made by several members of the House, by said memorialists, and by other worthy and reputable citizens, this committee has prepared and submits the following memorial for your consideration :

Should it be adopted, they recommend that the governor be requested to send copies of it to our Senators and Representatives in Congress, with a request that they present the same to the Senate and to the Representatives in the Congress of the United States assembled.

J. LITTLE SMITH,  
Chairman.

The report was concurred in ;

And the memorial reported by the committee was adopted.

Mr. Smith of Mobile, from same committee, reported favorably to the

H. B. 675. Memorial to the Congress of the United States for a survey of the Sipsey river.

Mr. Woolf moved to amend by including the Warrior river, from Tusceloosa to the fork of the Sipsey and Mulberry rivers ;

Which was accepted ;

And the memorial as amended, was adopted.

By leave,

Mr. Willett, from the committee on fees and salaries, reported a substitute for the bills—

H. B. 370. To amend sections 580 and 668 of the Code ;

H. B. 371. To amend section 615 of the Code ;

The substitute being entitled—

An act to fix the salaries of certain judicial officers.

The further consideration of the report was postponed and made the special order for Thursday, 30th inst., 12 m.

Mr. Smith of Mobile, from the committee on federal relations, reported a substitute for the

H. B. 424. Joint resolution recommending aid to build a southern trans-continental railway.

Mr. Woolf moved to amend the substitute reported by the committee by way of a substitute.

Mr. Foster of Macon, moved to postpone the further con-

sideration of the report until Friday next, and make it the special order for 12 M.

Mr. Boykin moved to lay the whole subject on the table.

The latter motion being first put, was lost,

And the motion of Mr. Foster of Macon, was agreed to.

On motion of Mr. Muldon,

It was ordered that 150 copies of the original resolution, the substitute reported by the committee, and the substitute offered by Mr. Woolf, be printed.

#### MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,  
MONTGOMERY, ALA., Jan. 27, 1879.

*Mr. Speaker :*

The governor has approved the following bills, which originated in the House :

H. B. 317. To establish a board of revenue for Autauga county, and to define the powers and duties of said board of revenue ;

H. B. 177. To repeal an act to authorize the commissioner's court of Franklin and other counties therein named to lay off their respective counties into four commissioner's districts, approved February 16, 1875, so far as the same relates to the county of Barbour.

Very respectfully,

THOS. H. REYNOLDS,  
Recording Secretary.

Mr. Ralls, from the committee on counties and county boundaries, reported favorably to the bill—

H. B. 421. To amend section one of the act to form the new county of Cullman out of portions of Blount, Winston and Morgan, and to provide for the organization of said county, approved January 24th, 1877.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 67, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Boykin, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Dark, Davidson, Dawson, Dolive, Evans, Foshee, Foster of Barbour, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jolley, Kirkpatrick, Lawrence, Lawson, Legg, Lowther, Lyons, Martin, Massey, Mo-

lett, Muldon, McCane, McCarron, McIlwain, Nettles, Patton, Pearson, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Thompson, Willett, Williams, Wood, Woolf, Winn—67.

Also, from same committee, reported favorably to the Senate bill—

s. 102. To change the boundary line between the counties of Etowah and DeKalb.

On motion of Mr. Davidson,

The further consideration of the bill was postponed until to-morrow morning, to be taken up immediately after the bills on second reading are disposed of.

Also, from same committee, reported favorably to Senate bill—

s. 125. To amend an act entitled an act to change the boundary line between the counties of Blount, Walker and Jefferson, and to authorize the removal of the county seat of Blount county, approved January 8th, 1877.

Mr. Davidson offered to amend as follows,

Which, on motion of Mr. Akers of Jefferson,

Was laid on the table :

“Amend section 1, commencing in 6th line, 3d word, so as to read as follows: “At a point where Blount, Cullman and Walker counties meet, or corner, and shall run thence due west to the line between range 4 and range 5, thence due south along said line to the Jefferson county line.”

And the bill was ordered to a third reading forthwith, read the third time and passed—yeas 68, nays 2.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boykin, Caldwell, Campbell, Cochrane, Cooper, Curtis, Critcher, Dark, Davis, Dawson, Evans, Foshee, Foster of Barbour, Foster of Macon, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Muldon, McCane, McCarron, McIlwain, Nicholson, Patton, Pearson, Purifoy, Ralls, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Thompson, Walker, Willett, Williams, Wood, Woolf—68.

Nays—Messrs. Boykin and Davidson—2.

Mr. Ralls, from same committee, reported favorably, with amendment, to the bill—

H. B. 215. To repeal an act approved 30th January, 1877,



to regulate and define the line between the counties of DeKalb and Marshall.

Amend by adding: "Provided, That A. J. Horton, L. D. Draine and P. B. Horton remain citizens of DeKalb county."

The amendment was adopted,

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 67, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Boykin, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Critcher, Dark, Davis, Davidson, Dawson, English, Foshee, Foster of Macon, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Martin, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nicholson, Patton, Pearson, Purifoy, Ralls, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Thompson, Walker, Williams, Wood, Woolf—67.

Also, from same committee, reported favorably to the bill—

H. B. 354. To change the county line between the counties of Clay and Tallapoosa.

Mr. Dawson moved that the House do not concur in the report.

Agreed to.

On motion of Mr. Akers of Jefferson,

The bill was laid on the table.

By leave,

Mr. Betts, from committee on ways and means, reported back the bill—

H. B. 660. To require auditor to draw his warrant in favor of school fund of Lawrence county, with the view of having it referred to committee on education.

So ordered.

On motion of Mr. Lyons,

The House adjourned until to-morrow morning, 10 o'clock.

## THIRTY-SIXTH DAY.

Tuesday, January 28, 1879.

House met pursuant to adjournment.

Prayer by Rev. Dr. Ralls, of the House.

On the call of the roll, the following members answered to their names:

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Lawrence, Clark of Mobile, Cletcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Jack, James, Jolley, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Waller, Wood, Woolf, Winn—84.

Journal of yesterday read and approved.

Leave of absence was granted Mr. Gilbert for two days, Mr. Kennedy for to-day, and the special committee to visit the Agricultural and Mechanical College for to-day.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER,

January 28, 1879.

*Mr. Speaker:*

The Senate has originated and passed the following bills:

- s. 173. For the better protection of the planters in the counties of Marengo, Monroe, Clark, and Choctaw.
- s. 212. To repeal section 67, 68 and 69 of the Code.
- s. 252. To provide for repairing and refurnishing the capitol of the State.
- s. 248. To fix the amount of the appropriation for the

maintenance of the normal school for white male and female teachers, at Florence.

s. 235. To repeal an act to incorporate the town of Clanton, in the county of Baker.

s. 239. To require the registration of certain claims against the county of Monroe.

s. 243. To amend sections 2463 and 2467 of the Code, in relation to sales of land under order of the Probate court.

s. 162. To authorize private corporations to change the number of their directors.

s. 180. To incorporate the town of North Port.

And has passed the House bill—

H. B. 541. To amend section one of an act to define the corporate limits of the city of Wetumpka,

And has amended, as therein shown, and passed the following House bill:

H. B. 142. To prevent, in certain cases, the sale, exchange and transportation of cotton in the counties of Montgomery, Bullock, Dallas, Russell, Lowndes, Wilcox and Monroe, and of cotton produced in said counties.

And has adopted House joint resolution—

H. B. 712. Asking information from the governor in reference to the claim of the State against Samuel Tait and his associates, and instructing suit to be brought thereon.

W. L. CLAY,

Secretary of Senate.

The Senate bills (s. 173, s. 212, s. 252, s. 248, s. 235, s. 239, s. 243, s. 162, s. 180), whose titles are set out in the above message, were severally read once and ordered to a second reading on to-morrow.

#### ENROLLED BILLS—SIGNED.

Mr. Fletcher, from the committee on enrolled bills, reported as correctly enrolled the following bill, and the speaker, in the presence of the House, immediately after the title had been publicly read, signed said bill:

H. B. 340. To regulate the election of county commissioners of roads and revenue for Washington, Clay, Greene and Marion counties.

Mr. Taylor of Choctaw, from the special joint committee on swamp and overflowed lands, submitted the following report:

*To the General Assembly of Alabama:*

The special joint committee, consisting of two Senators and three members of the House of Representatives, to whom was referred the report of the commissioner of swamp and overflowed lands, and an inquiry into the legality of the sale of said lands, and the returns thereof, respectfully submit this report. The testimony taken by the committee is herewith submitted. The resolution of the General Assembly, under which your committee was required to act, is as follows:

*Resolved by the House of Representatives, the Senate concurring,* That a special committee, consisting of three on the part of the House and two on the part of the Senate, be appointed, with power to send for persons and papers, and to sit during the sessions of the House and Senate, or in vacation, whose duty it shall be to take under consideration the report of the commissioner of swamp lands, with the accompanying evidence, books, and documents, together with such other legal and proper evidence as may be offered before them by any person interested, touching the legality of the sales of said lands and the returns made thereof to the State, and to report by bill or otherwise, as may be deemed advisable, to this General Assembly, at such early day as will afford time for consideration and action thereon.

*Resolved second,* That said committee be, and they are hereby instructed to give immediate notice of the above resolution to the late receiver, John R. Tompkins, and to the late agent, Henry St. Paul, with the request that they, and each of them, give immediate notice to the committee of their intention, if any such they have, to offer evidence under the same, with specific allegations, together with the names of witnesses and summary of facts proposed to be proved by each.

The committee, at an early day after its appointment, notified Jno. R. Tompkins, Esq., the former receiver, and Major Henry St. Paul, the former agent, of the action of the General Assembly, furnishing each of them with a copy of the above resolutions. Afterwards the said parties and all others interested in the subject of investigation were notified of the time and place of the meeting of the committee. Messrs. Tompkins and St. Paul were each invited to attend and to present a statement of the facts they proposed to prove, together with a list of the witnesses they desired to have summoned.

On the 2d day of January, 1879, the committee met in Mo-

bile, and was engaged many days in examining a number of witnesses, whose depositions accompany this report. Most of the witnesses previously examined by the commissioner appeared and verified in substantial particulars their former statements, and were further examined by the committee, and cross-examined by any person interested who desired to cross-examine them.

The committee also received such legal evidence as was offered, and examined such witnesses as were called by any of the parties interested. After hearing all the testimony produced touching the legality of the sales and the returns thereof, as required by the resolution, your committee proceeded to consider the reports of the commissioner, and the matters in evidence touching the legality of the said sales and the returns. Under the resolution it is not thought to be the duty of this committee to inquire into the acts of the commissioner of swamp and overflowed lands, nor of any matters contained in his said report, except as the same shall refer to the legality of said sales, and the returns thereof.

\* The committee, therefore, confining its inquiry to these two subjects, begs leave to report—

1. That nearly all of the lands have been illegally sold.

2. That full and proper returns of the proceeds of the sales of said lands have not been made.

It will not be proper for the committee to enter into an elaborate argument to sustain these conclusions. A statement of a few of the prominent facts disclosed by the testimony, and a reference to the law will be deemed sufficient. And if the conclusions to which the committee has arrived be not correctly drawn therefrom, this will be seen upon an examination of the evidence printed by order of the General Assembly as a part of the commissioner's report, together with the testimony taken by this committee and herewith submitted.

In order to decide accurately whether any of said sales were legal it would be necessary to examine each particular sale. But such an examination would occupy far more time and labor than your committee could give, and it must suffice to examine a few of them and classify those which are examined.

The patents in all the cases seem to the committee not sufficient to have conveyed the legal title. They all seem to have been executed and sealed in a manner not prescribed by law. The statute of 1861 prescribes that the land must be sold "under the rules and regulations of land sales by the

United States."—Acts 1861, p. 12-15. And it may be conceded that the patents and certificates must be issued in the same manner and by the like persons as in sales by the United States. A statute of the United States permits the name of the President of the United States to be signed to patents by an officer created for that purpose, and directs that the seal of the land office shall be affixed thereto; and it may be contended that when sales are directed to be made "under the rules and regulations" of the United States, the patents may be signed by an officer of the Governor, and if so, then, there being no statute creating in the State any officer for that purpose, his private secretary may do so. But there is no statute authorizing such signature; and if there was such a statute it would be in direct conflict with section 13, article iii, of the constitution of 1868, and of section 22, article v, of the present constitution. Again, the patents for these lands were signed in blank, and the names of the purchasers, and the description of the lands, were in many cases long afterwards filled out by the receiver. The rules and regulations of the United States as to sales of lands require that both of these shall be in the patent before it is signed and sealed. In some instances, after the repeal of the law authorizing the sale of these lands, patents were filled out and delivered for sales purporting to have been made before said repeal, and in some instances these blank patents were filled up and issued for sales made long after the repeal of said law. In nearly every case where inquiry was made, the evidence given by parties who held patents as the assignees of persons named in said patents is that they never had any transactions with such assignors; did not know them and never heard of them. Your committee was never able to identify any of these so-called assignors by the testimony of persons long resident in the neighborhood of these lands. Oscar Cassibry, in his testimony before your committee, states that in reference to the patent issued to Amanda St. Paul, wife of Henry St. Paul, in which the grantee therein is named as assignee of said Cassibry, that he had never owned nor bought any of said lands, and that he had not made any assignment whatever. The book containing what purports to be pre-emption affidavits, shows that the signatures to many of these affidavits are in the same hand-writing; some of the affidavits have a *jurat* without a signature; some are signed without any *jurat*; some have neither signature nor *jurat*, and in many instances the names merely are signed without any affidavit. In some cases, also, the patents were issued after they had been ma-

nipulated by detaching a portion containing the signature of the Governor and the seal, and attaching it to portions of other patents, so as to make one patent out of the fragments of two or more.

Your committee is therefore of the opinion that the legal title to these lands did not pass out of the State by the issuing of these patents. In some cases, however, certificates of entry were issued, and wherever it is shown that such certificates have been legally issued, they are deemed sufficient to carry with them the legal title. But the committee is of opinion that few, if any, such certificates were legally issued.

It therefore becomes a question whether the equitable title is in these purchasers, or any of them. In order to acquire a perfect title in equity it is necessary that there should a legal contract of sale, and a payment of the purchase money. To ascertain whether a legal contract of sale was made, it will be necessary to examine the circumstances of each particular case. But as there are many sales very similar in the main features, it is deemed sufficient to name one or more of each class of them. In the case of the purchase by

#### QUEAL & CO.,

The committee is of opinion that no legal contract of sale was made. The first objection urged to the legality of this sale is that the price agreed to be paid was ten cents per acre, when the minimum price fixed by law was twenty cents per acre. In our opinion, the evidence on this point is conflicting. It is true that the receiver and agent advertised the sale of these lands in Baldwin county, and stated in the advertisement that the minimum price had been increased; and it is also true that the board had passed some resolutions recommending such increase. But these resolutions were not spread on the minutes of the board, but these and original resolutions were pasted in the book of minutes of the board. The evidence is not conclusive that the board ever did in fact increase the minimum price, which had been legally fixed at ten cents per acre, the testimony being conflicting on this point. The next objection to the legality of the sale is, that it was made in violation of that rule and regulation of the United States land office which requires that, before lands can be sold at private entry, they must first be offered at public sale. The evidence does not disclose that an offer at public sale, to dispose of the lands, had been made. The rules and regulations require that each subdivision of a section, not

exceeding one hundred and sixty acres, shall be separately offered at not less than the minimum price. The proof shows that this was not done, and, therefore, a private sale was not a legal sale of these lands. A sale made in direct violation of these rules and regulations cannot be said to be legal. But it is said that the purchasers acted in good faith, and thought they were making a legal contract. The actual good faith of these purchasers cannot, under the evidence, be impeached. The payment to the receiver of about thirty-three hundred dollars for the patents, after the payment of fifteen thousand dollars for the lands, is shown by the evidence to have been made without any collusion with the receiver or other person to do wrong. The evidence of P. J. Anderson is conclusive of the fact that this sum of about thirty-three hundred dollars was exacted of these purchasers without authority and contrary to law. His evidence shows—and in this he is corroborated by C. T. Stearns—that whenever homestead entries are made, there are fees charged and collected out of the pre-emptors and forwarded to the government. But where lands have been offered at public sale, and are afterwards sold at private entry, the testimony is conclusive that only the price of the land can be received, and no more. In such case no fees can be received from the purchasers for certificates, patents, or other purpose. If these lands had been regularly offered at public sale, and were then legally sold at private sale, Mr. Anderson shows that no fee or cost, and nothing outside of the price fixed by law, could have been collected legally from Queal & Co. by the receiver. And if the land had not been offered at public sale, then it could only have been disposed of as homesteads, which was not done. Under no law, therefore, could Queal & Co. have been legally bound to pay any of said thirty-three hundred dollars to the receiver; and in the absence of other proof this fact might lead to the impression that there was not the *bona fides* in the transaction which is essential to a legal contract of sale on their part. But, on the other hand, it is shown that the purchase money for the land, about fifteen thousand dollars, was paid some time before the thirty-three hundred dollars was exacted of them, and therefore the payment of this latter sum did not enter into the contract of sale when made. And your committee is therefore clearly of the opinion that no actual or legal fraud entered into the purchase so far as Queal & Co. were concerned.

It is no part of the duty of this committee to inquire whether the State of Alabama has, by its receipt of the pur-



chase money, and by its legislation in reference thereto, or by the act of its Governor and other officers, validated this sale, or estopped itself from denying its validity. Nor is it our duty to inquire whether our State shall, under the circumstances of these sales, feel bound to protect these purchasers, and give them full title to these lands.

Nor does the committee feel called on to inquire or express any conclusion as to the compromise made by these purchasers and the State through the swamp land commissioner.

Although your committee found very few instances among these sales, apart from the sale to Queal & Co., in which the agent and receiver sold the land directly to the purchaser, as if the offer at public sale had been made, there may be others, and possibly many others, of like character.

There is another large class of sales in which the purchasers have not acquired a perfect equity. We submit as an example of these the sale to the Mobile & Ohio railroad company. The contract of sale to this company was illegal in this :

1. The sale was made to the road as assignee of a large number of pre-emptors, who were represented to have entered these lands as homesteads. But "the rules and regulations" of the United States land office expressly forbid the assignment of a homestead entry, and there is no authority whatever to make sale to such an assignee.

2. The homestead entries of these assignors were void, because they had never paid anything on them, because, as A. B. W. Kennedy testified, not more than one in twenty ever had any improvements on them, and because there is no evidence sufficient to satisfy the committee that the proper affidavits were made. The testimony of P. J. Anderson is conclusive that no homestead entry, without the payment of the price fixed by law, is valid.

The contracts of sale to the M. & O. R. R. were illegal and irregular also, because in very many cases the sale was made after the passage of the act of February 26, 1872. It cannot be said that the pre-emptors had acquired vested rights which said act could not divest. Patents could not have issued to them legally after the passage of said act, unless the lands had been sold to them "in compliance with law," and they had paid for them *bona fide* as actual settlers. But they had not purchased them in compliance with law, they had not paid for them, and they were not actual settlers, as Kennedy shows that only one quarter section in twenty ever had any improvements, and they could not assign their rights, if they

had any, to another. The testimony shows that a large number of these pre-emptors did not become actual settlers, and could not have acquired any rights which they could assign. The M. & O. railroad certainly purchased these lands and acquired the title through these assignors only; it cannot be heard to deny that it knew this to be the fact. It was so stated in the patents, and its officers are chargeable with a knowledge of the law which prohibits homestead entry from being assigned. It may be true that the road is not chargeable with a knowledge of the fact that the agent or receiver had not received the money, or had not made affidavit as required by law, or that the purchasers had not become *bona fide* settlers. But a knowledge of many of these facts did not reach them through the surveyor, Kennedy, its agent.

4. It seems to the committee that the officers of the road are chargeable also with a knowledge of the act of February 26, 1872, and that after its passage there was no agent or receiver authorized to sell any of these lands. By the terms of that act, no one was authorized to sell, and the agent and receiver had no right after that repeal to issue patents to any one. The act of February 26, 1872, terminated all the powers of the agent and the receiver, and neither of them was authorized to do any act connected with the swamp and overflowed lands any more than any other citizen. It is true, the act does not prevent the issue of patents to lands "sold in compliance with law and paid for by *bona fide* settlers." But it does not authorize the receiver to issue such patents, nor to do any other act in connection with said lands. The road is therefore clearly chargeable with knowledge that at the time many of these sales were assigned or made, there was no agent or receiver empowered to act for the State.

5. As a bearing upon the question whether the contract of sale was *bona fide* on the part of the road, it may be well to allude to the sums of money paid to the receiver. These sums were paid at the time of the purchases, and not afterwards. The road paid \$26,000 or thereabouts, and is chargeable with the knowledge of the fact that only about \$12,500 of this sum was the price of the land, and that the balance was for fees and charges, to-wit: over \$13,000. The road may contend it is not chargeable with knowledge that the law did not authorize the receiver to exact of it this sum of \$13,000. And it becomes therefore a subject of investigation whether the receiver did have legal power to charge so large a sum. In 104,000 acres there are about 660 subdivisions of 160 acres each. If the receiver charges \$18 on each subdivision

of 160 acres the aggregate would be for charges \$11,880, to which add 50 cents to the secretary for signing, making \$12,210. In the opinion of the committee, although "the rules and regulations of the United States land office" permit in homestead entry the charge of fees as shown in Mr. Stearns' testimony, and a sum for the government, yet in these sales it is apparent that only the minimum price fixed by the board, in lieu of the sum of money required by the U. S. government, could be charged, and that, in the absence of any contest, no fees or charges of any description could be legally made, whether the sale was made as a homestead or at private sale after a public offer. It seems to the committee beyond controversy that in homestead entries no more than \$4 for each entry could possibly be charged, except in contested cases, and it is our opinion that even such a charge as that is not allowable. The costs of a contest are certainly to be paid by the contestant and by the contestant only. But the evidence in regard to contested entries is very unsatisfactory. In order to make up a sum proximate to the large sum exacted by the road there must have been contests in more than 600 entries. But no copies of these contests were forwarded to the Executive office, and the record of the trials are not shown to have been kept, except on papers which are supposed to have been burned in the agent's office. We can not understand how there should have been so many contests, all of them decided in favor of the original pre-emptors, in which neither the contestant nor the contestee had paid anything for costs or charges. Certainly the road was not the contestant in these cases, nor "the party making the costs" of these contests, and by law no one else can be charged with such costs. The conclusion is irresistible that the road is chargeable with a knowledge of the fact that as the purchaser of these lands no charge for contests should be exacted of it. Yet with a knowledge of the law, this purchaser paid these costs of contests, a very large amount, with knowledge that only about half the sum paid by them was for the land purchased. It may be true as a matter of fact that the officers of the road did not inquire and fully understand what the law was in that regard. But it will not do for any one to say he did not know what is the statute, nor will it do for this purchaser to say that it did not know that when some of the transactions were had there was no agent or receiver capable of doing any business in reference to such a sale.

It is therefore apparent that no legal contract or sale was

made to the M. & O. R. R., and no legal or equitable title created.

There are very many sales similar to this in their main features. The case of Capt. William Otis is of this class. In this and in several other instances the money was paid after February 26, 1872, when the receiver's authority to receive any money had expired, and when he was no longer invested with power to act for the State.

There are other sales which seem to have been made to one or the other of the officers charged with making the sale. In the matter of the Underhill and Williams entry it seems that this was true. And also in the case of M. A. Dees, the patents are said to have been issued to the receiver. The "rules and regulations" of the land office of the United States forbid all such entries, and there can be no question whatever that all such sales, whether made directly to the officer, or indirectly in the name of a third party, are illegal and wholly void.

There are a few of these sales, which in equity are valid, and for which patents ought to issue, so as to convey the legal title. As an example of such sale the purchase by James Bligh may be named, also that of Rosanna Odermott. While there are irregularities in many of these cases, such as the payment of fees not authorized by law, the committee thinks that a perfect equity has been created and that patents should be issued.

And while it is the conclusion of the committee that the most of the purchasers of these lands have not acquired a legal nor an equitable title to the lands, and that the sales were illegally made, yet very many of the purchasers, we may safely say a majority of them, acted in a manner in no way to be condemned, except perhaps in not more fully informing themselves of the law and facts connected with their transactions. It may be questioned whether the issuance of patents in blank by the governor and their delivery, in some instances, long after he had gone out of office, be regarded as such a confirmation and approval of the sale as will cause the irregularities of it. In a few cases, and especially in the Queal case, the governor knew all about the sale and approved it before it was consummated; but in most instances the patents were signed in blank, and subsequently filled out by the receiver. As to whether the legislature has by its action cured these irregularities, we do not inquire. In such matters the rules which govern men in their contracts and

transactions with each other can not and ought not to control in every case the conduct of a government to a citizen.

The returns of these sales have not been legally made. Monthly returns were required by law of all moneys received. The proof shows that in many cases money was received as costs and expenses which have never been paid over.

The three thousand three hundred dollars in the Queal purchase, the thirteen thousand dollars in the M. & O. R. R. purchase, the four hundred and fifty dollars in the Otis purchase, and the five hundred and fifty dollars in the Kaufman purchase, are examples of cases where fees were received and not paid into the treasury. Whether these sums should have been paid into the Treasury may depend upon whether the receiver legally collected them. The testimony of Mr. Anderson, shows that all charges and fees of every description, whether in contested cases or others, must be sent to the treasury, except that costs of notice and such costs as do not remain in the hands of the officers of the land office, may be paid to those entitled thereto. By our statute the agent and receiver could charge in contested cases the usual fees of courts and two dollars for each decree. But it was their duty to pay these fees and the two dollars into the State treasury, according to the "rules and regulations" of the United States land office. Certainly all fees legally collected should have been so paid. It may be questioned whether such fees as were not properly and legally collected can be required to be paid to the treasurer.

As has already been shown, the three thousand three hundred dollars collected from Queal & Co. was not a legal and proper payment to the receiver. And if there had been no other objection to the payment of this sum, there was a fatal one in the fact that more than seven hundred patents were issued, when one patent was all that was required. Instead of issuing a patent for the whole, the receiver issued more than seven hundred different patents for the various subdivisions. The only excuse for issuing these seven hundred patents was that the description could not be contained in a less number of patents. In entries in the United States land office all the lands embraced in a single entry are conveyed usually in a single patent, although many sections and subdivisions constitute the entry. It was therefore improper, if not illegal, for the receiver to have issued so large a number, and thus multiply the costs. As heretofore stated, we are of opinion that any charge for any patent or for the entry was unauthorized by law. But if these costs or charges were

legally made and collected, it was the duty of the receiver to have paid them into the treasury. He did not do this, but as Major St. Paul testifies, he paid one-half of it to the agent and the other he retained, making no return thereof. If this charge was illegal and unauthorized, it becomes a question whether the State, or Queal & Co., has a right to recover it back. It seems to the committee that the State may recover it. The receiver took it in his capacity of an officer of the State, and cannot be heard to deny that he must account for it as for other charges collected by him. He cannot be heard to say that it was illegal for him to receive it. This doctrine is discussed in *Belcher v. Saunders*, 34 Ala.

And so of the charges in the M. & O. R. R. sale. If these charges were legal they ought to have been returned. If they were for contests they were not paid by the contestant or parties creating them, and like the charges in the Queal case, ought to have been returned. The same may be said of the charges in the Otis purchase and the other similar cases.

According to the rules and regulations of the United States land office, all charges and fees are paid into the treasury; not a dollar of them is allowed to be retained by the officers, no matter how or for what purpose collected. In these sales by the United States a salary of five hundred dollars is allowed, and then a portion of the charges is paid to the officer out of the treasury until his salary reaches three thousand dollars, and no more. Section eight of our statute changes this, and declares that the compensation shall be two and a half per cent. of the price paid for the lands, not to exceed eight hundred dollars per annum. He is not to receive any part of the charges or fees. It will not do to say that, as "under the rules and regulations of the U. S. land office," the officer may receive out of the treasury a portion or all of such charges, for our statute fixes definitely and differently how the officer is paid. From any and all sources his compensation shall not exceed eight hundred dollars per annum. This committee can put no other construction on the act. And this compensation must be paid, as we think, out of the treasury, under such rules and regulations as the governor shall direct.

The agent and receiver went out of office on February 26, 1872, and not being authorized to act any longer, their compensation ceased to run after that date. Having acted for about a year they were not permitted to receive compensation for more than a year—not more than eight hundred

dollars. Receiver Tompkins, in his testimony, states that he and the agent received for their services, during the whole time they acted, about forty-five hundred dollars each. The agent, Henry St. Paul, in his testimony, states that from July, 1871, to June or July, 1872, he received from four thousand two hundred dollars to four thousand eight hundred dollars, and that this was all he ever received for his services.

The committee also reports herewith a substitute for House bill No. —, which was referred by the House of Representatives to this committee, and recommend that said substitute be passed.

All of which is respectfully submitted.

J. R. SATTERFIELD, Chairman,  
LESLIE E. BROOKS,  
Committee on the part of the Senate.  
GEO. W. TAYLOR,  
F. BOYKIN, JR.,  
JNO. A. FOSTER,  
Committee on the part of the House.

The report was concurred in,

On motion of Mr. Clark of Mobile,

The vote concurring in the report of the committee was reconsidered.

On motion of Mr. Muldon, the report and the substitute reported by the committee were postponed and made the special order for Wednesday next, 12 M., and 500 copies of the report and 150 copies of the substitute ordered printed.

By leave,

Mr. Betts, from the committee on ways and means, reported back to the House the bill, H. B. 240, and asked its reference to the judiciary committee.

So ordered.

By leave,

Mr. Woolf introduced a bill—

H. B. 751. To amend subdivisions two and three of section 494 of the Code of Alabama;

Which bill was read once and ordered to a second reading on to-morrow.

On motion of Mr. Sharpe, the vote by which the bill—

H. B. 432. To amend section 276 of the Code,

Was passed, was reconsidered—yeas 46; nays 38.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Ash, Betts, Boger, Bowdon, Bradford, Campbell, Cochrane, Curtis, Clark of Mobile, Critcher, Crutcher, Dark,

Davis, Davidson, Dawson, Dolive, English, Evans, Fletcher, Hearn, Hughes, Jack, Jolley, Lee, Legg, Lyons, Muldon, Nettles, Patton, Pitts, Purifoy, Ralls, Ramsey, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Steele, Taylor of Lauderdale, Thompson, Winn—46.

Nays—Messrs. Armstrong, Barnett, Billingslea, Boykin, Brooks, Caldwell, Cooper, Culver, Fonville, Foshee, Fuller, Griggs, Haigler, Hand, Heacock, Huey, James, Kirkpatrick, Lawson, Lowther, Martin, Molett, McCane, McCarron, McDougald, McIlwain, Nicholson, Ramsey, Reynolds, Riley, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Choctaw, Waller, Willett, Williams, Wood, Woolf—38.

Mr. Lyons called for the previous question.

The main question was ordered to be put.

The bill was read the third time and passed—yeas 67; nays 18.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Bailey, Barnett, Betts, Billingslea, Bowdon, Boykin, Brooks, Caldwell, Cochrane, Cooper, Culver, Clark of Mobile, Dark, Davidson, Dawson, Dolive, Fonville, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Heacock, Hughes, Huey, James, Jolley, Kirkpatrick, Lawson, Lee, Legg, Lowther, Lyons, Martin, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—67.

Nays—Messrs. Alexander, Ash, Boger, Campbell, Curtis, Critcher, Crutcher, Davis, English, Evans, Hearn, Jack, Patton, Pitts, Sharpe, Sheid, Steele, Taylor of Lauderdale—18.

#### SPECIAL ORDER.

The special order for 12, viz., the bill—

H. B. 259. To amend an act to reduce the rate of taxation;

Was taken up, the question pending being the amendment reported by the committee on ways and means.

The amendment was adopted.

On motion of Mr. Bowdon the further consideration of the bill was postponed and made the special order for Saturday, *1st proximo*, at 12 m.



## BILLS ON SECOND READING.

The bills—

H. B. 723. To define and limit the criminal jurisdiction of justices of the peace, and notaries public with like powers, in Bullock county;

H. B. 738. To amend an act to amend section 7 of "an act to abolish fencing in certain portions of Montgomery county, approved January 29, 1867," approved March 17, 1875;

H. B. 744. To establish an independent school district in Bibb county, with six mile academy for its central point,

Were severally read the second time and referred to the committee on local legislation.

The bills—

H. B. 724. To prevent the sale of spirituous, vinous, malt liquors, or intoxicating bitters of any kind within two miles of Sardis church, in Bullock county;

H. B. 739. To prevent the sale, or giving away, of spirituous liquors, within three miles of Centre Point school house, in Montgomery county,

And the Senate bills—

s. 190. To prohibit the sale, giving away, or otherwise disposing of any spirituous, vinous, or malt liquors, or intoxicating bitters, or intoxicating beverage, within two miles of the Centenary Institute, located at Summerfield, Dallas county.

s. 237. To prevent the granting of license and sale of spirituous liquors in Clark county, within four miles of the town of Coffeenville, in said county.

s. 249. To prohibit the sale, giving away, or otherwise disposing of spirituous liquors within two miles of Shiloh church, near Honby's mills post office in Blount county.

Were severally read the second time and referred to the committee on temperance.

The bills—

H. B. 725. To amend section 586 of the Code of Alabama.

H. B. 747. To amend section 5046 of Code,

Were severally read the second time and referred to the committee on fees and salaries.

The bills—

H. B. 727. To regulate the hiring of convicts sentenced to hard labor for the county;

H. B. 728. To amend section 2461 of the Code.

H. B. 729. To establish an inferior court of record in the town of Courtland, county of Lawrence;

H. B. 734. To regulate the issuance of executions and final process from the city and circuit court of Mobile;

H. B. 742. To construe an act to regulate the publication of legal notices in the State, approved February 9, 1877;

H. B. 746. To authorize the governor to mitigate the sentence of persons sentenced to hard labor for the county.

And the Senate bills—

s. 158. To amend section 4465, 4475 and 4481 of the Code, regulating hard labor for the county.

s. 100. In relation to guardians and their bonds.

s. §3. To give to landlords a lien upon the property of tenants contained in dwelling houses and other buildings, for the rent of such building and to provide for the enforcement of such lien.

s. 218. To amend section 3949 of the Code.

Were severally read the second time and referred to the judiciary committee.

The bills—

H. B. 730. To declare Samuel Prentice a citizen of Marshall county;

H. B. 731. To authorize the commissioners' court of Marshall county to establish free ferries.

Were severally read the second time and referred to the committee on counties and county boundaries.

The bill—

H. B. 732. To regulate the buying and selling of oysters in the shell by measure,

Was read the second time and referred to the committee on agriculture and commerce.

The bills—

H. B. 733. To amend paragraph 6 of section 358 of the Code.

H. B. 735. To amend section 401 of the Code of Alabama.

H. B. 737. To provide for the discharge and release of the trustee appointed by the Governor under authority of the nineteenth section of the act to ratify and confirm the settlement of the existing indebtedness of this State, as proposed in the report of the commissioners appointed under the act, approved December 17, 1874, and which was communicated to the General Assembly by message of the Governor, January 24, 1876, approved February 23, 1876,

Were severally read the second time and referred to the committee on ways and means.

The bill—

H. B. 736. To authorize railroad companies chartered in this State to make leases.

Was read the second time and referred to the committee on corporations.

The bills—

H. B. 740. To incorporate the Alabama Baptist normal and theological school at Selma;

H. B. 745. For the relief of Mrs. Sallie Morton of Lawrence county;

H. B. 748. To authorize and require the auditor to draw his warrant on the State treasurer in favor of the county superintendent of education of Washington county, for the balance due the school fund of said county, exclusive of poll tax for the scholastic year ending Sept. 30, 1876;

H. B. 749. To authorize and require the auditor to draw his warrant on the tax collector of Washington county in favor of the county superintendent of education of said county for the balance due the school fund of said county, exclusive of poll tax for the scholastic years ending Sept. 30, 1874, and Sept. 30, 1875,

Were severally read the second time and referred to the committee on education.

The bill—

H. B. 741. To regulate the holding of the circuit courts in the 6th judicial circuit,

Was read the second time and referred to a special committee composed of the members from the 6th judicial circuit.

The bill—

H. B. 743. To provide for the payment of the expenses of the joint committee appointed to visit and inspect the Alabama Insane Hospital and the State University at Tuscaloosa, Alabama,

Was read the second time.

Mr. Hand moved to amend so as to provide also for the expenses of the joint committee appointed to visit the Deaf, Dumb and Blind Asylum at Talladega.

The amendment was adopted,

And the bill referred to the committee on appropriations.

The bill—

H. B. 750. To amend section 1317 of the Code of Alabama,

Was read the second time and referred to the committee on appropriations.

The bill—

H. B. 726. For the relief of J. D. Hudson, door-keeper of the House of Representatives,

Was read the second time, and referred to the committee on accounts and claims.

#### SPECIAL ORDER.

The Senate bill—

s. 102. To change the boundary line between the counties of Etowah and DeKalb—

Was ordered to a third reading forthwith, read the third time, and passed—yeas 76, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clarke of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hearn, Heacock, Hughes, Huey, Jack, James, Jolley, Lawson, Lee, Legg, Lowther, Martin, Molett, McCane, McCarron, McIlwain, Nicholson, Patton, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Wood, Woolf, Winn—76.

Mr. Ralls moved to reconsider the vote just taken, and to lay that motion on the table.

Carried.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,

January 28, 1879.

*Mr. Speaker:*

The Senate has amended, as therein shown, and passed the following House bill—

H. B. 441½. Prescribing the practice in contested election cases instituted under the provisions of the charter of the city of Birmingham, authorizing appeals therein and empowering the Governor to fill any vacancy that may be declared.

And has also adopted—

Joint resolutions accepting Prof. Hogg's addresses, etc. (herewith sent.)

Also,

Joint resolution (herewith sent) to print 500 copies of the report of the commissioners to compromise State debt, etc., for use of certain officers therein named, and the General Assembly.

W. L. CLAY,  
Secretary of Senate.

MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
Jan. 28, 1879.

*Mr. Speaker :*

The following bills having been signed by the President of the Senate, your signature is requested—

s. 290. Memorial to the Congress of the United States asking that quinine and other products of Peruvian bark may be admitted free from import duty.

s. 45. An act to regulate the fine and forfeiture fund of Montgomery county, and the disposal of moneys arising from fines, forfeitures and convict labor.

s. 172. An act to authorize the owners of lots Nos. 186, 187, 188, 189, 190, and 191, in the town of Gadsden, to remove the remains of persons buried on said lots.

s. 8. An act to amend section 5 of an act to establish a new charter for the town of Union Springs, Bullock county, Alabama, approved March 1, 1870.

W. L. CLAY,  
Secretary of Senate.

And the speaker, in the presence of the House, immediately after their titles had been publicly read, signed said bills (their titles being set out in the above message).

Mr. Ralls, from special committee, reported favorably to the Senate bill—

s. 156. To amend an act to fix the time of holding the circuit courts of the 12th judicial circuit of Alabama, approved Dec. 14, 1876.

Mr. Alexander moved to lay the bill on the table.

Lost.

On motion of Mr. Bowdon, the bill was recommitted to a select committee of five.

Mr. Clopton (Mr. Taylor of Lauderdale in the chair) submitted the following report—

The select committee, to whom was referred the general appropriation bill, with instructions to inquire and report what should be properly embraced in said bill, and what effect, if any, a failure to include in such bill any sum, or sums, which the law as now existing provides should be paid to officers or other persons, or institutions, would have; and, also, to report as to the proper construction of sections 32 and 33 of article iv of the constitution, and whether it is necessary to embrace in the general appropriation bill all sums and amounts for the ordinary expenses of the executive, legislative and judicial departments of the State, interest on the public debt, and for the public schools, and whether the auditor can properly draw warrants on the treasurer for such expenditures when not covered by the general appropriation bill, submit the following report:

In accordance with section 32 of article iv of the constitution, nothing can be embraced in the general appropriation bill but the appropriations for the ordinary expenses of the executive, legislative, and judicial departments of the State, interest on the public debt, and for public schools. Under the same section of the constitution, all appropriations, other than those above enumerated, must be made by separate bills, each embracing but one subject. The ordinary expenses of the executive, legislative, and judicial departments include every expense which is necessary, usual, and incidental in carrying on the business of these departments respectively, such as the salaries of the officers, clerk's hire, stationery, fuel, lights, etc. These ordinary expenses are properly embraced in the general appropriation bill, but may be embraced in separate appropriation bills, if the General Assembly deem it advisable.

The 33d section of the same article of the constitution prohibits the payment of any money out of the treasury, except on appropriations made by law. This constitutional prohibition was designed to operate as a safeguard to the treasury, and a check upon the officers authorized to draw warrants upon the treasury. A law fixing the salary of a public officer or the amount to be paid for clerk's hire, or for any other purpose, may create a claim against the State, which should be paid, but, without doing more, is not an appropriation of money as contemplated and required by the constitution for the payment of such claim. In the opinion of the committee

no officer is authorized to draw a warrant for the payment of money, except out of a contingent fund, unless a specific appropriation for that purpose has been made by law : and if an appropriation of a specific amount has been made, then he can not exceed the amount of such appropriation, and that the auditor cannot properly draw warrants on the treasury for the ordinary expenses of the executive, legislative, and judicial departments of the State, interest on the public debt, and for public schools, unless appropriations therefor are embraced either in the general or a separate appropriation bill.

Respectfully submitted,

DAVID CLOPTON.  
H. A. WOOLF,  
F. BOYKIN, Jr.,  
W. H. LAWSON,  
THOS. WILLIAMS.

The report was adopted.

Mr. Williams submitted the following report—

*Mr. Speaker :*

The special committee to which was referred the bill—

H. B. 316. To authorize David Bodeford of Autauga county to engage in the business of a peddler without license—

With instructions to inquire into the constitutionality and expediency of the same, have had the same under consideration, and instruct me to report that they are of opinion that said bill is not unconstitutional, but having had no evidence before them touching the merits of said bill, beg leave to report the same back to the House without recommendation.

THOS. WILLIAMS, Ch'm.

On motion of Mr. Foster of Barbour, the bill was laid on the table—yeas 42, nays 30.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Ash, Betts, Billingslea, Boger, Boykin, Cochrane, Cooper, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Fonville, Foster of Barbour, Fuller, Hand, Jack, James, Jolley, Legg, Lowther, Lyons, Muldon, McCane, McCarron, Patton, Purifoy, Ralls, Ramsey, Riley, Rushing, Sanders of Lamar, Smith of Lowndes, Taylor of Lauderdale, Thompson, Willett, Wood, Woolf—42.

Nays—Messrs. Armstrong, Barnett, Brooks, Caldwell, Campbell, Curtis, Clark of Mobile, Evans, Foshee, Foster of

Macon, Fletcher, Griggs, Hearn, Heacock, Hughes, Kirkpatrick, Martin, Molett, McIlwain, Nettles, Pitts, Reynolds, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Walker, Williams—30.

Mr. Williams, from the same committee, submitted a similar report, as to the bill—

H. B. 316. To allow Hardy Cain of Dale county, and Joseph J. Boyt of Geneva county, to peddle without license.

On motion of Mr. Woolf, the bill was laid on the table.

Mr. Hand submitted the following

#### REPORT OF THE JOINT COMMITTEE TO VISIT THE DEAF, DUMB AND BLIND INSTITUTE AT TALLADEGA.

##### *To the Senate and House of Representatives :*

The special committee appointed in pursuance to a joint resolution of the two Houses, to visit the institution of the deaf and dumb and blind, in this State, performed that duty on the 13th and 14th instant, and beg leave to submit the following report:

Every department and interest connected with the institution was thoroughly inspected, and developed many interesting facts, hereinafter set forth.

This institution is eligibly and beautifully situated in the town of Talladega, than which, in the opinion of your committee, no place in the State affords greater and better facilities for an institution of this kind.

Since the report made to the last General Assembly, extensive and valuable improvements have been made, that greatly enhance the value of this property as well as add to the beauty, convenience and interest of the institution. One of these—the water works—elicited much interest and is deserving of special mention in this report. The steam pump is located over a fine spring, which affords an abundant supply of pure water, that is forced through pipes twenty-five hundred feet in length, and then elevated about fifty feet into a tank, which, when completed, will have a capacity of 10,000 gallons. The ground on which the pump is placed, the right of way along the streets for laying the pipe, has been guaranteed to the institution by the city authorities, and nearly the entire work was performed last summer by the principal and two mute boys, without expense to the State.

From the report of the principal, recently laid before this assembly, it will be observed that certain other improve-



ments are necessary to meet the requirements of the institution. Your committee fully concur in the accuracy of this report, and are clearly of the opinion that the reasons set forth for this additional outlay are well founded and should meet the approval of this body. This report shows, also, that there were fifty-four pupils in attendance, and the per capita expense \$224. This amount, at first view, may appear large, but a reference to other institutions of the same kind will disclose the fact that their per capita expense is from fifty to seventy-five per cent. in excess of our own; and when it is remembered that these institutions have from two to five hundred pupils in one school, the disproportion appears still greater, since the expense necessarily diminishes as the number of pupils increase. With these facts before them, your committee are naturally forced to the conclusion, that the funds placed by the State at the disposal of the managers of this enterprise, have been judiciously and economically disbursed.

It was with no small degree of interest and pleasure that we witnessed the exercises of the different classes of the school. The pupils are educated in those branches of instruction best suited to their condition, and the attainment acquired and proficiency displayed by each, showed conclusively that nothing has been omitted, either on the part of the principal or teacher, that would contribute to the comfort and happiness of those committed to their charge. Your committee have no disposition to make invidious distinction between those engaged in this arduous work, but feel this report would be incomplete without special mention of Dr. J. H. Johnson, the principal. The noble institution he has here built up, as well as its beautiful surroundings, display in every feature and department energy, genius and the skill of an artist. Modest in demeanor, kind and sympathetic in his nature, he possesses in no small degree the rare qualifications for the important position he is called upon to fill. In a word, "he is the right man in the right place." And when we consider the many unfortunate beings who would grope through life and draw out a miserable existence but for the benefit derived from this institution, we are forcibly impressed with the truth that its value to our State can not be estimated in mere dollars and cents, and is of itself a sufficient appeal to this body to uphold and foster this worthy enterprise.

Your committee would further mention the fact, that we were profoundly impressed, that while this unfortunate class are being taught in all the literary and necessary sciences for

their mental development, that they are by no means neglected in that high social, moral and religious culture which contribute so much in making up the true characteristics of manhood and womanhood, and are therefore prepared to heartily commend this institution to the moral support of the people of the whole State.

M. W. HAND,  
A. I. WILSON,  
W. P. HOWELL,  
Committee.

The report was adopted, and  
Three hundred copies ordered printed.

By leave—

Mr. Walker called up the bill (amended by the Senate)—

H. B. 441 $\frac{1}{2}$ . Prescribing the practice in contested election cases instituted under the provisions of the charter of the city of Birmingham, authorizing appeals therein, and empowering the Governor to fill any vacancy that may be declared.

The House concurred in the amendment of the Senate (it being a substitute)—yeas 76, nays 4.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boykin, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of M., Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Fonville, Foshee, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Jack, James, Jolley, Lawson, Lee, Legg, Lowther, Lyons, Martin, Muldon, McCarron, McDougald, McIlwain, Nettles, Nicholson, Patton, Pitts, Purifoy, Ralls, Ramsey, Riley, Rushing, Sanders of Lamar, Sheid, Smith of Mobile, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Waller, Willett, Williams, Woolf—76.

Nays—Messrs. Boger, English, Sharpe, Steele—4.

Mr. Akers of Jefferson moved—

To reconsider the vote just taken, and to lay that motion on the table.

The latter motion was agreed to.

By leave—

The following bills were introduced :

By Mr. Foster of Barbour—

H. B. 752. To establish a normal school at Clayton, Ala., to be called the Clayton Normal School of Southeast Alabama.

By Mr. Kirkpatrick—

H. B. 753. To amend an act to amend section 7 of an act

to abolish fencing in Montgomery county, approved January 27, 1867.

By Mr. Taylor of Choctaw—

H. B. 754. For relief of Mrs. A. O. Burrill, of Choctaw county.

Also,

H. B. 755. For the better protection of life assurance policy holders.

By Mr. Clopton (Mr. Taylor of Lauderdale in the chair)—

H. B. 756. For the relief of the estate of Wm. Dougherty, deceased.

Also,

H. B. 757. To amend sections 1 and 2 of an act authorizing the city council of Montgomery to condemn and purchase real estate as herein provided, approved April 10, 1873.

Also,

H. B. 758. To amend section 6 and section 9 of an act to amend section 4, section 6, section 7, section 9, sections 12 and 28 of an act to amend the charter of the city of Montgomery, and the various laws heretofore passed amending the said charter, approved March 3, 1870.

Also,

H. B. 759. To further provide for the adjustment and liquidation of the State debt, as reported by the commissioners to adjust and liquidate said debt, on the 24th day of January, 1876.

By Mr. Brooks—

H. B. 760. To allow sheriffs' fees in certain cases.

Also,

H. B. 761. To amend section 4109 of the Code of Alabama.

Also,

H. B. 762. To amend paragraph 1 of section 5032 of the Code of Alabama.

By Mr. Wood—

H. B. 763. To change the county boundary line between the counties of Lee and Macon.

By Mr. Culver—

H. B. 764. To prevent the sale of spirituous, vinous or malt liquors, or intoxicating bitters, within five miles of Hopewell church and academy, in Bullock county.

By Mr. Lyons—

H. B. 765. To amend section 471 of the Code.

Also,

H. B. 766. To amend section 468 of the Code.

Also,

H. B. 767. To amend section 467 of the Code of 1876.

Also,

H. B. 768. To amend section 469 of the Code.

By Mr. Waller—

H. B. 769. To require druggists and apothecaries to take out a druggist liquor license in certain cases.

By Mr. Jack—

H. B. 770. To authorize the various beats of Franklin county to vote on the sale of vinous and spirituous liquors in said beats.

Also,

H. B. 771. To regulate the pay of clerks and inspectors of elections in Alabama.

By Mr. Lyons—

H. B. 772. To provide for the sale of lands for delinquent taxes.

Which bills were severally read once and ordered to a second reading on to-morrow.

Mr. Muldon introduced—

H. R. 773. Joint resolution requiring the Secretary of State to furnish copies of the Code of 1876, and the acts of present and future general assemblies, to the State University, the Alabama Insane Hospital, and the Agricultural and Mechanical College at Auburn—

Which was read and adopted.

Mr. McCarron presented—

The petition of certain citizens of Mobile in opposition to the bill known as the Moffett liquor bill—

Which was read and referred to the select committee having the bill in charge.

Mr. Muldon (by request) presented—

Petition of certain citizens of Mobile against the passage of the bill for the repeal of the charter of the city of Mobile—

Which was referred to the select committee having the bill in charge.

On motion of Mr. Stribling, the House adjourned until to-morrow morning 10 o'clock.

## THIRTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES,  
WEDNESDAY, January 29, 1879.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Davidson, of the House.

On the call of the roll, the following members answered to their names :

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McIlwain, Nettles, Oicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor, of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—91.

Journal of yesterday read and approved.

## ENROLLED BILLS SIGNED.

Mr. Fletcher, from the committee on enrolled bills, reported as correctly enrolled the following bills, and the speaker, in the presence of the House, immediately after their titles had been publicly read, signed said bills :

H. B. 441½. An act prescribing the practice in contested election cases instituted under the provisions of the charter of the city of Birmingham, authorizing appeals therein, and empowering the Governor to order an election to fill any vacancy that may be declared.

H. B. 541. To amend section one of an act to define the corporate limits of the city of Wetumpka,

H. B. 712. Asking information from the governor in reference to the claim of the State against Samuel Tait and his associates, and instructing suit to be brought thereon.

MESSAGES FROM THE GOVERNOR.

SENATE CHAMBER,

Jan. 29, 1879.

*Mr. Speaker :*

The Senate has concurred in the House amendments to the bills—

s. 92. To lay off the county of Crenshaw into four commissioners districts.

s. 117. To repeal all special acts relating to fees of judges of probate, justices of the peace and notaries public, and constables, in Montgomery county.

And has concurred in the House joint resolution—

Raising a joint committee on the subject of charges by railroads for freight and passengers.

Committee on part of the Senate—

Mess. Padgett, Wood and Brooks.

And has passed the following House bill :

H. B. 105. To divide the State into eight judicial circuits.

And has amended by way of substitute, as therein shown, and passed House bill—

H. B. 114. To provide for the issuance of certificates and opinions in cases decided by the supreme court.

And has adopted House

H. M. 675. Joint memorial of the General Assembly to the Congress of the United States, in relation to Sipsey river, and the Warrior river from Tuscaloosa to the fork of Sipsey and Mulberry rivers, in Alabama.

And has originated and passed the following bills :

s. 11. To provide a mode of procedure in applications to amend judgments, decrees and orders *nunc pro tunc*.

s. 197. To provide for the more speedy administration of justice in applications for *mandamus*, prohibition, *certiorari*, and other remedial writs of a supervisory nature.

s. 163. To incorporate the town of Lively, in the counties of Lee and Russell.

s. 272. To authorize the judge of probate and court of county commissioners of Hale county, Alabama, to adjust, compromise and settle the bonded indebtedness of said county.

s. 213. To amend sections two (2) and sixteen (16) of an act, approved April 15, 1873, to establish a new charter for the town of Florence.

W. L. CLAY,  
Secretary of Senate.

The Senate bills (s. 11, s. 197, s. 163, s. 272, s. 213) just received, whose titles are set out in the above message, were severally read once and ordered to a second reading on tomorrow.

SENATE CHAMBER,  
Jan. 29, 1879.

*Mr. Speaker :*

The president of the Senate having signed the following bills, your signature is requested :

s. 124. To divide the State into three (3) chancery divisions.

s. 130. To ratify an increase of the capital stock of the "Selma Press and Warehouse Company," at Selma, Ala., and to authorize a further increase thereof.

s. 137. To amend section 1776 of the Code, in relation to the qualifications of officers of incorporated towns.

s. 93. To authorize Fire and Marine Insurance Companies in this State, to reduce their capital stock.

s. 117. To repeal all special acts relating to the fees of judge of probate, justices of the peace, notaries public and constables in Montgomery county.

s. 92. To lay off the counties of Crenshaw, Covington, Pike, Cherokee, Escambia, Monroe, Henry, Dale, Clarke, Jackson, Bibb and Chilton, into four commissioners' districts.

s. 125. To amend an act entitled "An act to change the boundary line between the counties of Blount, Walker and Jefferson, and to authorize the removal of the county seat of Blount county," approved February 8th, 1877.

s. 126. For the relief of John H. Harris, of the county of Lawrence.

s. 332. Joint resolution authorizing the Governor to appoint a committee to investigate intemperance as a cause of insanity, and to inquire into the workings of reformatory institutions in other States.

W. L. CLAY,  
Secretary of Senate.

And the speaker, in the presence of the House, immediately

after their titles had been publicly read, signed said Senate bills (s. 124, s. 130, s. 137, s. 93, s. 117, s. 92, s. 125, s. 126, s. 332).

#### BILLS ON SECOND READING.

The bills—

H. B. 751. To amend sub-divisions two and three of sections 494 of the Code of Alabama;

H. B. 769. To require druggists and apothecaries to take out a druggist's liquor license in certain cases,

Were severally read the second time and referred to the select committee on the Moffett liquor law.

The bills—

H. B. 752. To establish a normal school at Clayton, Alabama, to be called the Clayton Normal School of Southeast Alabama;

H. B. 754. For the relief of Mrs. A. O. Burrill, of Choctaw county.

And the Senate bill—

s. 248. To fix the amount of the appropriation for the maintenance of the normal school for white male and female teachers at Florence,

Were severally read the second time and referred to the committee on education.

The bill—

H. B. 753. To amend an act to amend section 7 of an act to abolish fencing in Montgomery county, approved January 29, 1867,

Was read the second time and referred to the committee on local legislation.

The bills—

H. B. 755. For the better protection of life insurance policy holders;

H. B. 759. To further provide for the adjustment and liquidation of the State debt as reported by the commissioners to adjust and liquidate said debt, on the 24th day of January, 1876;

H. B. 761. To amend section 4109 of the Code of Alabama.

And the Senate bill—

s. 243. To amend sections 2463 and 2467 of the Code, in relation to sales of land under order of the probate court,

Were severally read the second time and referred to the judiciary committee.

The bill—



H. B. 756. For the relief of the estate of William Dougherty, deceased.

And the Senate bill—

s. 239. To require the registration of certain claims against the county of Monroe,

Were severally read the second time and referred to the committee on accounts and claims.

The bills—

H. B. 757. To amend sections one and two of an act entitled an act authorizing the city council of Montgomery to condemn and purchase real estate as herein provided, approved, April 10th, 1873;

H. B. 758. To amend section 6 and section 9 of an act entitled an act to amend section 4, section 6, section 7, section 9, sections 12 and 28 of an act entitled an act to amend the charter of the city of Montgomery and the various laws heretofore passed amending the said charter, approved March 3, 1870.

And the Senate bills—

s. 162. To authorize private corporations to change the number of their directors;

s. 180. To incorporate the town of Northport;

s. 235. To repeal an act to incorporate the town of Clanton, in the county of Baker,

Were severally read the second time and referred to the committee on corporations.

The bills—

H. B. 760. To allow sheriffs fees in certain cases;

H. B. 762. To amend paragraph "I" of section 5032 of the Code of Alabama,

Were severally read the second time and referred to the committee on fees and salaries.

The bill—

H. B. 763. To change the county boundary line between the counties of Lee and Macon,

Was read the second time and referred to the committee on counties and county boundaries.

The bills—

H. B. 764. To prevent the sale of spirituous, vinous, or malt liquors, or intoxicating bitters, within five miles of Hope-well church and academy, in Bullock county;

H. B. 770. To authorize the various beats of Franklin county to vote on the sale of vinous and spirituous liquor in said beats,

Were severally read the second time and referred to the committee on temperance.

The bills—

- H. B. 765. To amend section 471 of the Code ;
- H. B. 766. To amend section 468 of the Code ;
- H. B. 767. To amend section 467 of the Code of 1876 ;
- H. B. 768. To amend section 469 of the Code ;
- H. B. 772. To provide for the sale of lands for delinquent taxes.

And the Senate bill—

- s. 212. To repeal sections 67, 68 and 69 of the Code,

Were severally read the second time and referred to the committee on ways and means.

The bill —

- H. B. 771. To regulate the pay of clerks and inspectors of elections in Alabama,

Was read the second time and referred to the committee on privileges and elections.

The Senate bill—

- s. 173. For the better protection of the planters in the counties of Marengo, Monroe, Clarke and Choctaw,

Was read the second time and referred to a select committee composed of members from the counties affected by the bill.

The Senate bill—

- s. 252. To provide for repairing and refurnishing the capitol of the State,

Was read the second time and referred to the committee on the State capitol.

#### SENATE BUSINESS.

The Senate

Joint resolution to print 500 copies of the report of the commissioners to compromise the State debt, &c., for use of certain officers therein named and the General Assembly ;

Was read and adopted.

The Senate

Joint resolution accepting the address of Professor Hogg ;

Was read and adopted.

The House concurred in the Senate amendment to the bill—

- H. B. 142. To prevent, in certain cases, the sale and transportation of cotton in the counties of Montgomery, Bullock,

Dallas, Russell, Lowndes, Wilcox and Monroe, and of cotton produced in said counties.

Yeas 75 ; nays 2.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boykin, Brooks, Caldwell, Cochrane, Cooper, Culver Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Fonville, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sheid, Smith of Lowndes, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—75.

Nays—Messrs. Boger and Steele—2.

On motion of Mr. Taylor of Lauderdale, the committee on ways and means were instructed to report back to the House the bill, H. B. 535 ;

And it was referred to the select committee of five.

Committee—

Messrs. Taylor of Lauderdale, Sharpe, Davis, Muldon and Pearson.

#### UNFINISHED BUSINESS.

The House proceeded to the consideration of the Senate bill—

s. 4 To prevent the taking or using temporarily any personal property, without the consent or assent of the owner or person having the control thereof.

Mr. Smith of Mobile moved to amend as follows:

Strike out the words "personal property," in 3rd line of section 1, and in line thereof insert, "any animal or vehicle for the transportation of things or persons."

Adopted.

Mr. Clark of Mobile moved to amend as follows:

After the word "another," in 1st section, add the following:

"For the purpose of destroying or injuring the same, or for the purpose of escaping from justice, or for the purpose of turning any such animal at large, or for any other unlawful purpose."

The amendment was adopted.

The title was amended by striking out "any" and inserting "certain ;"

And the bill ordered to a third reading forthwith, read the third time, and passed—yeas 82 ; nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choc-taw, Taylor of Lauderdale, Thompson, Walker, Willett, Wood, Woolf, Winn—82.

Nay—Mr. Steele.

On motion of Mr. Woolf the regular order of business was suspended to allow committees to report.

Mr. Ralls, from the committee on counties and county boundaries, reported adversely to the bills—

H. B. 513. To change the boundary line between the counties of Cleburne and Calhoun ;

H. B. 666. To change the boundary line between the counties of Shelby and Chilton, in this State.

The reports were severally concurred in.

Also, from same committee, reported favorably to the bill—

H. B. 677. To change and define the eastern boundary line of Blount county.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 82, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Patton, Pearson,

Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—82.

#### SPECIAL ORDER.

The special order for 11 A. M., viz: the bill—

H. B. 399. To regulate the weighing, handling and sampling bale cotton, in the counties of Montgomery, Bullock, Dallas, Tuscaloosa, Lowndes, Autauga and Calhoun.

On motion of Mr. Lawson,

The further consideration of the bill was postponed, and made the special order for to-morrow, 11 A. M.

The House then proceeded to the consideration of the Senate bill—

s. 53. In relation to misrepresentations in obtaining or securing life policies in insurance companies, and requiring the defendants in actions brought on such policies to return the premiums received thereon, to the plaintiffs in certain cases.

Mr. Clark of Mobile, moved to amend by striking out these words at the end of section 2: "with eight per centum interest per annum from the date of receipt."

On motion of Mr. Waller,

The amendment was laid on the table.

The bill was then ordered to a third reading forthwith, and read the third time.

Mr. Griggs moved to reconsider the vote by which the bill was ordered to a third reading;

Which, on motion of Mr. Martin, was laid on the table.

Mr. Walker moved to recommit bill—

The Chair (Mr. Brooks in the chair) ruled that the motion was out of order, and that under the rules of the House a bill could not be recommitted after it had been read the third time.

Mr. Walker appealed from the decision of the Chair.

The question was then put: shall the decision of the Chair stand as the decision of the House.

It was decided in the affirmative.

Mr. Nicholson moved to postpone the further consideration of the bill until to-day week, and make it the special order for 12 M.

Lost.

Mr. Williams moved to reconsider the vote by which the bill was ordered to a third reading.

By unanimous consent of the House, the motion was put and carried.

Mr. Foster of Macon then moved to take from the table amendment of Mr. Clark of Mobile.

Agreed to.

Mr. Taylor of Lauderdale, called for the previous question.

The main question was ordered to be put.

The vote being first taken on the pending amendment, it was lost.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 71, nays 17.

Yeas—Messrs. Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Lawrence, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Evans, Foshee, Fuller, Fletcher, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Jack, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Martin, Massey, Molett, McCane, McIlwain, Owens, Patton, Pearson, Purifoy, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Waller, Willett, Williams, Wood, Woolf, Winn—71.

Nays—Messrs. Speaker, Clark of Mobile, Dolive, English, Fonville, Foster of Barbour, Foster of Macon, Jolley, Lyons, Muldon, McCarron, Nicholson, Pitts, Ralls, Smith of Lowndes, Smith of Mobile and Walker—17.

Mr. Lawson gave notice of a motion to reconsider the vote just taken.

By leave, bills were introduced as follows:

By Mr. Bowdon—

H. B. 774. For the relief of George W. Chambers.

By Mr. Huey (by request)—

H. B. 775. To incorporate the "Marion Protection Hook and Ladder Company No. 1," of Marion, Alabama.

By Mr. Steele—

H. B. 776. To repeal an act entitled an act in relation to the fine and forfeiture fund of Tuscaloosa county, and other counties therein named, approved March 23, 1873, so far as the same relates to Colbert county.

By Mr. Kennedy—

H. B. 777. For the relief of N. M. Daniel of Randolph county.

Also,

H. B. 778. To amend the laws for the assessment and collection of taxes in the county of Clay.

By Mr. Martin—

H. B. 779. For the relief of Boykin Jones, late tax collector of Russell county.

By Mr. Lawson—

H. B. 780. To amend section 286 of the Code of Alabama.

By Mr. Dawson—

H. B. 781. To amend section 1 of an act to provide for the collection of taxes levied for certain purposes therein named, approved March 19, 1875.

By Mr. Lyons—

H. B. 782. To amend subdivision 494 of the Code of 1876.

Which bills were severally read the first and ordered to a second reading on to-morrow.

By leave,

Mr. Willett offered joint resolution

Raising a joint committee to fix the times of holding the courts in the 8th judicial circuit,

Which was adopted.

Mr. Willett, from the special joint committee to fix times and places of holding the chancery courts in the western chancery division, submitted a report,

Which was read and ordered to lie on the table for the present.

Mr. Williams, from the committee on privileges and elections, reported favorably to the Senate bill—

s. 269. To regulate the election of municipal officers in the city of Selma.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 75, nays 2.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Bowdon, Boykin, Caldwell, Campbell, Cochran, Cooper, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Jolley, Kirkpatrick, Lawrence, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Ramsey, Register, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe,

Sheid, Smith of Lowndes, Smith of Mobile, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—75.

Nays—Messrs. Boger and English—2.

Mr. Nicholson, from the committee on the penitentiary, reported a substitute for the bill—

H. B. 416. To provide for the conveyance of convicts to the penitentiary.

Mr. Akers of Jefferson moved to amend the substitute by way of a substitute.

Mr. Boykin moved to recommit the bill to the judiciary committee.

Pending the consideration of which—

On motion of Mr. Ralls, the House took a recess until 4 o'clock this afternoon.

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#### AFTERNOON SESSION.

The House re-assembled at 4 o'clock P. M., and proceeded to the consideration of the bill—

H. B. 416. To provide for the conveyance of convicts to the penitentiary ;

The question pending being the motion of Mr. Boykin to recommit.

By leave, the motion of Mr. Boykin was withdrawn.

Mr. Walker called for the previous question.

The main question was ordered to be put.

The substitute offered by Mr. Akers of Jefferson, being first put, was adopted—yeas 66, nays 20.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Betts, Billingslea, Bowdon, Boykin, Brooks, Caldwell, Cochrane, Cooper, Culver, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, English, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyon, Martin, Molett, McDougald, McIlwain, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Rushing, Sanders of Lamar, Saunders of Madison, Smith of Autauga, Smith of Mobile, Thompson, Walker, Walker, Willett, Williams, Wood, Woolf, Winn—66.

Nays—Messrs. Bailey, Boger, Campbell, Curtis, Clark of Lawrence, Evans Jack, Jolley, Muldon, McCane, McCarron,



Nettles, Owens, Register, Riley, Sharpe, Sheid, Steele, Taylor of Choctaw, Taylor of Lauderdale—20.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 73, nays 15.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Bowdon, Boykin, Brooks, Caldwell, Cochrane, Cooper, Culver, Critcher, Crutcher, Dark, Davidson, Dawson, English, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, McIlwain, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Smith of Lowndes, Smith of Mobile, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—73.

Nays—Messrs. Boger, Campbell, Curtis, Clark of Lawrence, Dolive, Evans, Jack, Jolley, Muldon, McCane, Owens, Register, Sharpe, Sheid, Steele—15.

Mr. Davis moved to reconsider the vote just taken, and to lay that motion on the table.

Carried.

#### REPORTS FROM COMMITTEES.

Mr. Pearson, from the committee on public roads and highways, reported favorably to the bill—

H. B. 385. To repeal special laws relative to the working of public roads in Randolph county.

And the bill was ordered to a third reading forthwith, read the third time and passed—yeas 86, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Hughes, Huey, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Taylor of Choctaw, Taylor of

Lauderdale, Thompson, Walker, Waller, Williams, Wood, Woolf—86.

Also,

From the same committee, reported favorably to the bill—  
H. B. 434. To provide for the more efficient working of public roads in the county of Montgomery.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 80, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Brooks, Caldwell, Campbell, Cochran, Culver, Curtis, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Molett, Muldon, McCane, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—80.

Also, from same committee, reported favorably, with amendment, to the bill—

H. B. 120. To amend section 1630 of the Code of 1876.

Amend section 1, eighth line, by striking out the words "maimed or ;"

Also, same section, tenth line, strike out the words "licensed or."

The amendments were adopted.

Mr. Walker moved to amend by inserting between the words "misdemeanor" and "by," in last line of bill, the words "involving moral turpitude."

The amendment was adopted.

Mr. Waller moved to exempt the county of Hale.

Mr. Bowdon moved to exempt the county of Talladega.

Mr. Davis moved to exempt the county of Limestone.

Mr. Culver moved to exempt the county of Bullock.

Mr. Purifoy moved to exempt the county of Wilcox.

On motion of Mr. Bowdon, the bill and amendments were laid on the table.

Also, from the same committee, reported favorably to the bill—

H. B. 338. To amend section 1671 of the Code of Alabama.

Mr. Walker moved to amend by striking out the word "consecrated," and insert the word "dedicated."

Adopted.

Mr. Woolf moved to amend by adding—

"Provided, the provisions of this act shall only apply to the county of St. Clair."

The amendment was adopted,

And the bill was ordered to a third reading forthwith, read the third time and passed—yeas 74, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Bowdon, Boykin, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, McCane, McCarron, Nettles, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Rushing, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Waller, Willett, Williams, Wood, Woolf—74.

Also, from the same committee, reported a substitute for the bill—

H. B. 234. To provide for the safety of brakemen and other persons working on freight cars.

Mr. Taylor of Choctaw moved to lay the bill and substitute on the table.

Lost.

And on motion of Mr. Willett the bill was recommitted.

The Speaker announced the following committees:

On the resolution of Mr. Ralls in regard to charges of railroads—

Messrs. Ralls, McCarron, Reynolds, Pearson, Thompson and Heacock.

On the bill to fix times of holding the circuit courts in 12th judicial circuit—

Messrs. Brooks, Hand, Jolley, Caldwell and Wood.

On House bill 585—

Messrs. Taylor of Lauderdale, Sharpe, Davis, Muldon and Pearson.

On motion of Mr. Williams, the use of the hall for to-morrow night was tendered to the Hon. Mr. Norwood, of Georgia,

and such other persons as may desire to deliver an address on the subject of a southern transcontinental railway.

Leave of absence was granted to Mr. McCane for one day.

On motion of Mr. Lyons, the House adjourned until tomorrow morning 10 o'clock.

### THIRTY-EIGHTH DAY.

Thursday, January 30, 1879.

House met pursuant to adjournment.

Prayer by Rev. Mr. Hughes, of the House.

On the call of the roll, the following members answered to their names:

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Brooks, Caldwell, Campbell, Cooper, Culver, Curtis, Clark of Lawrence, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Martin, Massey, Molett, Muldon, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—88.

Journal of yesterday read and approved.

#### ENROLLED BILLS SIGNED.

Mr. Fletcher, from the committee on enrolled bills, reported as correctly enrolled the following bills,

And the Speaker, in the presence of the House, immediately after their titles had been publicly read, signed said bills—

H. B. 142. To prevent, in certain cases, the sale, exchange and transportation of cotton in the counties of Montgomery, Bullock, Dallas, Russell, Lowndes, Wilcox, Sumter, Autauga, and in beats Nos. 1, 2, 3, 4, 5, 6, 7, 8 and 9 of Hale, and of cotton produced in said counties.

H. B. 105. To divide the State into eight judicial circuits.  
 H. B. 675. Joint memorial of the General Assembly of Alabama to the Congress of the United States, in relation to Sipsey river, and the Warrior river from Tuscaloosa to the fork of Sipsey and Mulberry rivers in Alabama.

Mr. Lawson moved to reconsider the vote by which the Senate bill passed—

s. 53. In relation to misrepresentations in obtaining life insurance policies, etc.

Which, on motion of Mr. Boykin, was laid on the table.

#### BILLS ON SECOND READING.

The bill—

H. B. 775. To incorporate the Marion Protection Hook and Ladder Company, No. 1, of Marion, Alabama;

And the Senate bill—

s. 163. To incorporate the town of Lively, in the counties of Lee and Russell;

Were severally read the second time and referred to the committee on corporations.

The bills—

H. B. 776. To repeal an act in relation to the fine and forfeiture fund of Tuscaloosa county, and other counties therein named, approved March 23, 1873, so far as the same relates to Colbert county;

H. B. 778. To amend the laws for the assessment and collection of taxes in the county of Clay;

And the Senate bills—

s. 213. To amend sections two and sixteen of an act approved April 15, 1873, to establish a new charter for the town of Florence;

s. 272. To authorize the judge of probate and court of county commissioners of Hale county, Alabama, to adjust, compromise and settle the bonded indebtedness of said county;

Were severally read the second time and referred to the committee on local legislation.

The bill—

H. B. 777. For the relief of N. M. Daniel of Randolph county,

Was read the second time and referred to the committee on counties and county boundaries.

The bill—

H. B. 749. For the relief of Boykin Jones, late tax collector of Russell county,

Was read the second time, and referred to the committee on accounts and claims.

The bill—

H. B. 780. To amend section 286 of the Code of Alabama,

Was read the second time, and referred to the committee on privileges and elections.

The bill—

H. B. 781. To amend section 1 of an act to provide for the collection of taxes levied for certain purposes therein named, approved March 19, 1875.

And the Senate bills—

s. 11. To provide a mode of procedure in application to amend judgment decrees and orders *nunc pro tunc*.

s. 197. To provide for the more speedy administration of justice in applications for mandamus, prohibition, certiorari, and other remedial writs of a supervisory nature.

Were severally read the second time and referred to the judiciary committee.

The bill—

H. B. 782. To amend subdivision 8 of section 494 of the Code of 1876 ;

Was read the second time and referred to the committee on ways and means.

The bill—

H. B. 774. For the relief of George W. Chambers,

Was read the second time and referred to the committee on education.

#### SENATE BUSINESS.

The bill (amended by the Senate)—

H. B. 114. To provide for the issuance of certificates and opinions in cases decided by the supreme court,

Was referred to the judiciary committee.

Mr. Ralls, from the committee on counties and county boundaries, reported back to the House the bill—

H. B. 731. To authorize commissioners' court of Marshall county to establish free ferries,

And asked its reference to the committee on public roads and highways.

So ordered.

Mr. Taylor of Lauderdale, from the committee on local legislation, reported back to the House the bill—

H. B. 594. To regulate the distribution of the fees of the warden of the port of Mobile,

And asked its reference to the committee on agriculture and commerce.

So ordered.

On motion of Mr. Woolf, the regular order was suspended for the purpose of allowing standing committees to report.

By leave—

Mr. Lawrence, from the committee on the State capitol, reported a bill—

H. B. 783. To regulate the number, and to fix the pay of employes at or about the State capitol.

Which was read once and ordered to a second reading on to-morrow.

#### REPORTS FROM COMMITTEES.

Mr. Boykin, from the committee on appropriations, reported favorably to the Senate bill—

s. 90. To amend section 43 of the Code of Alabama, with relation to the pay and mileage of officers and members of the General Assembly.

Mr. Steele moved to amend by making the mileage for Colbert county 226 miles.

Franklin county, 244 miles.

Lauderdale county, 231 miles.

And Lawrence county, 218 miles.

Adopted.

Amendments were severally offered and adopted as follows:

By Mr. Clark of Mobile to make the mileage for Choctaw county 223 miles.

By Mr. Taylor of Choctaw, to make mileage for Mobile county 185 miles.

By Mr. Lawrence, to make mileage for Cherokee county 183 miles.

By Mr. Hearn, to make mileage for Randolph county 120 miles.

By Mr. Dark, to make mileage for Tallapoosa county 97 miles.

By Mr. Lee, to make mileage for Pickens county 180 miles.

By Mr. Bowdon, to make mileage for Talladega county 100 miles.

By Mr. Pitts, to make mileage for Shelby county 75 miles.

By Mr. Lyons, to make mileage for Covington county 115 miles.

By Mr. Sharpe, to make mileage for Morgan county 183 miles.

By Mr. Griggs, to make mileage for Chambers county 83 miles.

By Mr. Taylor of Choctaw, to make mileage for Washington county 250 miles.

By Mr. Walker, to make mileage for Jefferson county 96 miles.

By Mr. Dolive, to make mileage for Baldwin county 195 miles.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 80, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Jack, James Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Massey, Molett, Muldon, McCarron, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Winn—80.

\* SPECIAL ORDER.

The hour of 11 o'clock having arrived, the House proceeded to the consideration of the special order for this hour, viz :

The substitute reported by the committee on fees and salaries to—

H. B. 370 and H. B. 371.

H. B. 370. Entitled an act to fix the salaries of certain judicial officers.

On motion of Mr. Willett, the further consideration of the bill was postponed, and made the special order for Tuesday next, 4th prox., 12 M.



## MESSAGE FROM THE SENATE.

SENATE CHAMBER,

January 30, 1879.

*Mr. Speaker :*

The Senate has passed the following House bills:

H. B. 196. To regulate the levying, assessing, collecting, keeping and disbursing the special taxes of the several counties and municipal corporations of the State ;

H. B. 209. To amend section 400 of the Code of Alabama.

H. B. 374. To authorize and require the auditor to pay over to the several counties their respective shares of the money received for tax lands transferred by him.

And has amended, by way of substitute, as therein shown, and passed the following House bill :

H. B. 318. To amend section 499 of the Code ;

And has adopted House joint resolution :

H. B. 773. Requiring the Secretary of State to furnish copies of the Code of 1876, and the acts of the present and future General Assemblies to the State University, the Alabama Insane Hospital and the Agricultural and Mechanical College at Auburn.

And has originated and passed the following bills:

s. 110. To amend section 5030 (3517) of the Code ;

s. 252. To incorporate the Braxton Bragg Monumental Association ;

s. 185. To amend section 608 of the Code, fixing the time of holding the courts in the southern chancery division ;

s. 287. To authorize the commissioners court of Etowah county, and of the county of Cullman, to lay off said county of Etowah and county of Cullman into four commissioners districts, and to provide for the election of commissioners therein ;

s. 175. To require the collectors of any special tax in any city or town, except for current expenses, to give separate bonds as collectors of such special tax ;

s. 193. To define the lien of the transferree of the vendor of land ;

s. 95. To provide for the appointment of a special judge of the county court of Madison county in cases in which the judge of such court is, from any legal cause, incompetent to sit ;

s. 28. To amend section 5025 of the Code of Alabama.

And has adopted joint resolution (herewith sent) raising a

committee of 8 from each judicial circuit, 3 from the Senate and 5 from the House, to fix the time of holding courts in the several judicial circuits, except 3rd judicial circuit.

Committee on part of the Senate :

1st Judicial Circuit—Messrs. Clarke, Brooks and Torrey ;

2nd—Messrs. Buell, Padgett, Troy ;

4th—Seay, Bush, Satterfield ;

5th—Robinson, Banks, Duncan ;

6th—Hargrove, Clanton, Musgrove ;

7th—Cunningham, Randolph, Dobbs ;

8th—Rather, Wood, Rice.

W. L. CLAY,  
Secretary.

The Senate bills just received (viz : s. 110, s. 232, s. 185, s. 287, s. 175, s. 193, s. 95, s. 28), the titles of which are set out in the above message,

Were severally read once and ordered to a second reading on to-morrow.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the governor by his recording secretary, Mr. Reynolds :

EXECUTIVE DEPARTMENT,  
MONTGOMERY, ALA., Jan. 30, 1879.

*Gentlemen of the House of Representatives :*

I herewith lay before you a communication from Mr. David T. Blakey, in reference to school lands belonging to the inhabitants of certain townships in this State, located in the States of Arkansas and Louisiana, and respectfully submit for your consideration the practicability of making them available for the purpose for which they were donated, and the advisability of, at this time, taking steps towards the realization of the benefits they were designed to confer upon those for whom they were intended.

R. W. COBB,  
Governor.

The message was taken up, read, and, on motion of Mr. Woolf, referred with the accompanying document to the committee on education.

## SPECIAL ORDER.

The House then proceeded to the consideration of the bill—

H. B 399. To regulate the weighing, handling and sampling of bale cotton in the counties of Montgomery, Bullock, Dallas, Tuscaloosa, Lowndes, Autauga and Calhoun.

Mr. Lawson moved to amend by way of a substitute, entitled—

An act to regulate the weighing, handling and sampling of bale cotton in the counties of Montgomery, Dallas, Bullock and Calhoun.

Mr. Barnett moved to amend by adding the county of Pike. The amendment was adopted.

The substitute, as amended, was adopted,

And the bill ordered to a third reading forthwith, read the third time, and passed—yeas 75, nays 3.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Bowdon, Boykin, Brooks, Caldwell, Cochrane, Cooper, Culver, Clark of Lawrence, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lowther, Lyons, Massey, Molett, Muldon, McCarron, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Taylor of Choctaw, Taylor of Landerdale, Thompson, Walker, Williams, Wood, Wolf, Winn—75.

Nays—Messrs. Boger, Critcher and Walker—3.

On motion of Mr. Clark of Mobile,

The Senate joint resolution raising a joint committee to fix the time of holding courts in the several circuits, except the third,

Was taken up and adopted.

Committee on the part of the House :

1st Circuit—Messrs. Smith of Mobile, Taylor of Choctaw, Wolf, McCarron and Nettles ;

2nd—Messrs. Riley, Owens, Kirkpatrick, Hughes and Fonville;

4th—Messrs. Huey, Waller, Molett, Haigler and Purifoy ;

5th—Messrs. Brooks, Williams, Armstrong, Thompson and Hearn;

6th—Messrs. Willett, Cochran, Walker, Sanders, of Lamar, and Legg;

7th—Messrs. Bowdon, Alexander, Ash, Ralls and Lawrence;

8th—Messrs. Sharpe, Fletcher, Campbell, Jack and Steele.

Mr. Foster of Barbour, from select committee, reported favorably, with amendment, to the bill—

H. B. 515. For the relief of the Perdido Bay Lumber Company.

Amend by striking out the proviso to the 2d section of the bill.

On motion of Mr. Taylor of Choctaw, the further consideration of the bill and report were postponed and made the special order for 5th February, prox., at 12 M.

Mr. Woolf, from the select joint committee to visit the penitentiary, submitted the following

#### REPORT.

##### *To the General Assembly:*

The special joint committee, raised by the joint resolution of the General Assembly, to visit the State penitentiary and examine the condition of said institution, and the convicts therein, and report, with such recommendations as they might deem proper, have discharged that duty and respectfully ask leave to make the following report:

Your committee visited the penitentiary on the 7th day of December, A. D. 1878, and were occupied the entire day in the examination of all the property of the State attached to the penitentiary, including work-shops, hospital, kitchen, dining and bath rooms, laundry, and every thing pertaining to the use, comfort and sanitary condition of said institution and the convicts confined therein. We also conversed privately with the convicts within the walls of the penitentiary. There are about seventy-five convicts confined within the walls, many of them females; some invalids and white men, who can not well be hired out as efficient hands. With these hands the very efficient warden has improved the grounds belonging to the said institution, in such style, that the same are almost beyond our powers of description. The warden has carried on the work-shops within the walls, cultivated the garden and grounds attached to the institution, and on which the warden has made large crops for the quantity of land cultivated, and thereby greatly decreasing the expenses of the institution. Your committee regret that the State can

not acquire more lands, adjacent to the penitentiary, at a reasonable price, on which to work the convicts who are unable to work at regular farm labor.

Your committee found everything connected with the walls and improvements well painted and white-washed, and everything in an extraordinarily cleanly condition. The cells are kept neat and clean, but your committee think it a matter to be regretted, that they were not originally made larger, which could not now be done without too large expenditure of money. Under our present system of hiring out convicts on farms, the penitentiary building is too large and many of the apartments are empty, but as the number of convicts increase, the sick and disabled will also increase, and at some time in the future, the State may have use for the vacant apartments.

Your committee further report, that the limited time at our disposal, would not permit us to examine the books of the warden and his account current, but upon a casual inspection of them, they seem to be neatly and correctly kept. The report of the warden will show the condition of the finances of the institution.

The resolution of the General Assembly, under which we acted, did not contemplate that we should visit the several farms, in different parts of the State, on which are worked the convicts; and, consequently, we did not visit any of them; but we are satisfied from conversations with the warden and inspectors, that their condition is watched with that vigilance and care which is necessary for their safe keeping and humane treatment.

Your committee would respectfully recommend the following improvement within the walls of the penitentiary: there is no means by which the cells can be heated or warmed, and in very cold weather we are fearful that the convicts might suffer from cold, and we recommend that the warden procure, and erect at the expense of the institution, an apparatus to warm the rooms containing the cells.

We respectfully recommend the following changes or regulations of the institution:

1st. That one of the inspectors appointed under the law shall be a competent practicing physician, of high standing.

2d. That the laws should be so changed that there should be no conflict between the State and counties, as to which shall have the convicts.

3 That some law be passed by the General Assembly to

reduce the enormous expense of carrying convicts to the penitentiary.

4th. That there should be established by law or by a regulation of the penitentiary, that not less than ten convicts shall be hired to one contractor or company, and that no convict shall be hired to a relative or connexion, and shall not be hired out in the county in which he or she committed the crime of which he or she was convicted.

Your committee believe, with the improvements suggested, coupled with the energy, ability and executive qualifications of the present warden, that the financial condition and general management of the institution, will command the respect and admiration, not only of the citizens of Alabama, but of the whole country.

Your committee cannot, in justice to themselves, close this report without saying that we approve and commend fully the manner and ability with which everything pertaining to the duties of the warden has been conducted and supervised; and especially do we return him our thanks for the kindness and politeness, and gentlemanly bearing towards your committee, and for his readiness in affording your committee every opportunity to be informed of all matters connected with the institution, of interest to the General Assembly or to the citizens of the State.

All of which is respectfully submitted.

H. A. WOOLF,

I. F. CULVER,

A. S. DAVIDSON,

Committee on the part of the House.

A. C. HARGROVE,

J. L. CUNNINGHAM,

Committee on the part of the Senate.

The report was adopted,

And, on motion of Mr. Foster of Macon, 250 copies were ordered to be printed.

#### REPORTS FROM COMMITTEES.

Mr. Boykin, from the committee on appropriations, reported favorably, to the Senate bill—

s. 177. For the relief of Alexander C. Davidson, as one of the sureties on the official bond of Henry H. Mosely, as late tax collector of Perry county.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 74, nays 2.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Billingslea, Boger, Bowdon, Boykin, Caldwell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Gilbert, Grigg, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Jack, James, Jolley, Kirkpatrick, Lawrence, Lawson, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCarron, McIlwain, Nicholson, Patton, Pearson, Pitts, Purifoy, Ramsey, Register, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—74.

Nays—Messrs. Brooks and Reynolds—2.

Mr. Boykin moved to reconsider the vote just taken, and to lay that motion on the table.

The latter motion was agreed to.

Also, from the same committee, reported favorably, with amendment, to the bill—

H. B. 439. To provide a fund for the benefit of the supreme court.

Amend by striking out “ten,” in first section, and inserting “five.”

The amendment was adopted;

And the bill ordered to a third reading forthwith, read the third time, and passed—yeas 46, nays 28.

Yeas—Messrs. Speaker, Alexander, Armstrong, Ash, Bailey, Barnett, Boykin, Caldwell, Campbell, Cooper, Culver, Clark of Mobile, Dolive, Fonville, Griggs, Haigler, Hand, Hearn, Hughes, Huey, James, Kennedy, Lawrence, Lawson, Lowther, Lyons, Martin, Massey, McCarron, Nicholson, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Smith of Lowndes, Smith of Mobile, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—46.

Nays—Akers of Jefferson, Billingslea, Boger, Bowdon, Cochrane, Curtis, Crutcher, Davis, English, Evans, Foshee, Fletcher, Heacock, Jack, Lee, Legg, Muldon, McIlwain, Patton, Pearson, Pitts, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Steele, Winn—28.

Also, from the same committee, reported favorably to the bill—

H. B. 566. For the relief of Thos. Pinson, Allen Pinson, and Mary J. Pinson, of Coosa county.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 76, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Dawson, Dolive, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Jack, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Martin, Massey, Molett, McCarron, McIlwain, Nettles, Nicholson, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—76.

Also, from same committee, favorably, with amendment, to the bill—

H. B. 646. To provide for the payment of the expenses of the joint committee of the two Houses appointed to investigate the legality of the sales and the returns of the swamp and overflowed lands.

Amend by striking out six hundred and sixty-four 65-100 dollars, and inserting six hundred and eighty-five 45-100 dollars.

The amendment was adopted.

Mr. Foster of Macon moved to amend as follows :

Strike out the words, "out of any money now in the treasury not otherwise appropriated," and insert, "out of any money now in the treasury belonging to the swamp and overflowed land fund ;

*Provided*, That if there is not a sufficient amount in currency in the treasury to the credit of the swamp and overflowed land fund, subject to the warrant to pay the sum mentioned in this act, the treasurer shall pay the balance out of any unappropriated money in the treasury.

Mr. Clark of Mobile offered the following as a substitute for the amendment :

*"Provided*, That the amount so paid shall be reimbursed to the treasury from the swamp and overflowed land fund ; and it shall be the duty of the State Treasurer to make such reimbursement out of the first money in the treasury belonging to such fund, if the same can be legally done."

Mr. Lawson called for the previous question.



The main question was ordered to be put.

The vote being first taken on the amendment of Mr. Foster of Macon,

It was lost,

And the amendment of Mr. Clark of Mobile was adopted,

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 78, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCarron, McIlwain, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Rasmey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Lowndes, Smith of Mobile, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—78.

Also, from same committee, reported favorably to the bill—

H. B. 654. To appropriate two hundred and fifty-nine, sixty-hundredths dollars, to pay for repairs on the hall of the House of Representatives.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 81, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Boykin, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Martin, Massey, Molett, Muldon, McCarron, McDougald, McIlwain, Nettles, Nicholson, Patton, Pitts, Purifoy, Ralls, Ramsey, Register, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—81.

Also, from same committee, reported favorably to the bill—

H. B. 682. For the relief of Charles Linn, of Jefferson county.

On motion of Mr. Lyons,

The bill was re-committed.

Also, favorably to the bill—

H. B. 743. To provide for the payment of the expenses of the joint committees appointed to visit and inspect the Alabama Insane Hospital, and the State University and the Institute for the Deaf, Dumb and Blind.

Mr. Taylor of Lauderdale moved to amend by additional section, (providing for pay of joint committee to visit Normal School at Florence).

The amendment was adopted.

The title was amended to correspond,

And the bill was ordered to a third reading forthwith, read the third time, and passed—yeas 80 nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Betts, Billingslea, Boykin, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Lawrence, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Haigler, Hand, Hearn, Heacock, Hughes, Jack, James, Jolley, Kennedy, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, McCarron, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—80.

Also, from same committee, reported favorably, with amendment, to the bill—

H. B. 427. For the relief of John P. Timberlake, John F. Anderson and William M. Cowen, of Jackson county.

Amend by striking out the words "said trial" and inserting "before the commissioners."

The amendment was adopted,

And the bill was ordered to a third reading forthwith, read the third time and passed—yeas 75, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Boykin, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Lawrence, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, English, Evans,

Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Hughes, Huey, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lowther, Lyons, Martin, Massey, Molett, McCarron, McIlwain, Nicholson, Patton, Pearson, Pitts, Rurifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—75.

#### MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,  
Montgomery, Ala., Jan. 30, 1879.

*Mr. Speaker:*

The Governor has approved the following bills, which originated in the House:

H. B. 340. To regulate the election of county commissioners of roads and revenue for Washington, Clay, Greene and Marion counties;

H. B. 541. To amend section one of an act to define the corporate limits of the city of Wetumpka;

H. B. 441½. Prescribing the practice in contested election cases instituted under the provisions of the charter of the city of Birmingham, authorizing appeals therein and empowering the governor to order an election to fill any vacancy that may be declared;

H. B. 712. Joint resolution asking information from the governor in reference to the claim of the State against Samuel Tait and his associates, and instructing suit to be brought thereon.

Very respectfully,

THOS. H. REYNOLDS,  
Recording Secretary.

#### INTRODUCTION OF BILLS.

By leave—

Bills were introduced:

By Mr. Williams—

H. B. 784. To amend an act to prevent, in certain cases, the sale, exchange and transportation of cotton in the counties of Montgomery, Bullock, Dallas, Russell, Lowndes, Wil-

cox, Sumter, Autauga, and in beats Nos. 1, 2, 3, 4, 5, 6, 7, 8 and 9 of Hale, and of cotton produced in said counties.

Also,

H. B. 785. For the relief of blind soldiers.

By Mr. Waller—

H. B. 786. For the relief of James W. Locke.

By Mr. Riley—

H. B. 787. To regulate the pay of bailiffs of Covington county.

By Mr. Sheid—

H. B. 788. To change the boundary line between the counties of Etowah and Calhoun.

By Mr. Lawrence—

H. B. 789. To restrict the court of county commissioners for Cherokee county in their levy of the county tax.

By Mr. Haigler—

H. B. 790. To amend section one of an act to secure more effectually competent and well qualified juries in Montgomery and other counties therein named,

Which bills were severally read once and ordered to a second reading on to-morrow.

Leave of absence was granted Mr. Gilbert for three days on account of sickness.

#### REPORTS RESUMED.

Mr. Boykin, from the committee on appropriations, reported a substitute for the bill—

H. B. 437. For the relief of Caleb N. Williams, of Chambers county.

Pending the consideration of which, on motion of Mr. Ralls, the House adjourned until to-morrow morning, 10 o'clock.

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### THIRTY-NINTH DAY.\*

#### HOUSE OF REPRESENTATIVES,

FRIDAY, January 31, 1879.

The House met pursuant to adjournment.

Prayer by Rev. Dr. Ralls, of the House.

On the call of the roll, the following members answered to their names:

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alex-

ander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Brooks, Caldwell, Campbell, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—90.

Journal of yesterday read and approved.

#### ENROLLED BILLS SIGNED.

Mr. Fletcher, from the committee on enrolled bills, reported as correctly enrolled the following bills, and the speaker, in the presence of the House, immediately after their titles had been publicly read, signed said bills:

H. B. 196. To regulate the levying, assessing, collecting, keeping and disbursing the special taxes of the several counties and municipal corporations of the State.

H. B. 209. To amend section 400 of the Code of Alabama.

H. B. 374. To authorize and require the auditor to pay over to the several counties their respective shares of the money received for tax lands transferred by him.

H. B. 773. Joint resolution requiring the secretary of State to furnish copies of the Code of 1876, and the acts of the present and future General Assemblies, to the State University, the Alabama Insane Hospital, and the Agricultural and Mechanical College at Auburn.

By leave—

Mr. Betts offered the following resolution, which was adopted:

*Resolved*, That the chairman of a committee, after the title of any bill reported to the House is read by the clerk, shall make a succinct statement of the object of the bill, and explanatory remarks as may be necessary to place the subject clearly before the House. If the bill proposes to amend any section of the Code, he shall state succinctly the law as it

now stands, and the substance and effect of the proposed change.

By leave—

Mr. Woolf offered the following joint resolution, which was adopted:

*Resolved by the House of Representatives, the Senate concurring,* That the Secretary of State be, and he is hereby authorized to sell, either at private or public sale, with or without advertisement, the new chandalier belonging to the State, now in the basement story of the capitol, the old copies of the Code, and the old carpet taken from the hall of the House of Representatives, and pay the proceeds into the State treasury.

Mr. Woolf, from special committee, reported favorably to the Senate bill—

s. 173. For the better protection of the planters in the counties of Marengo, Monroe, Clarke, and Choctaw.

Mr. Lee moved to amend by including Pickens county.

“ Hand, Greene county.

“ Cochrane, Tuscaloosa county.

“ Heacock, Talladega county.

“ Griggs, Chambers county.

The amendments were severally adopted.

The title was amended to correspond;

And the bill was ordered to a third reading forthwith, read the third time and passed,

And ordered forthwith to the Senate.

Yeas 67, nays 6.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Betts, Billingslea, Caldwell, Cochrane, Cooper, Culver, Clark of Mobile, Crutcher, Dark, Dolive, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, James, Jolley, Kennedy, Lawrence, Lawson, Lee, Lowther, Martin, Massey, Molett, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Woolf, Winn—64.

Nays—Messrs. Boger, Clark of Lawrence, Critcher, Evans, Legg, and Steele—7.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER,

January 31, 1879.

*Mr. Speaker:*

The Senate has passed the following House bills—

H. B. 504. To incorporate the Alabama Orphan School at Mountain Home, Lawrence county, Alabama.

H. B. 232. To repeal an act to increase the pay of witnesses in attendance upon the courts in Greene and Marengo counties, except justices' courts, approved Feb. 8, 1872.

H. B. 498. To authorize the mayor and aldermen of the city of Talladega to license auctioneers, livery and sale stables, and the running of hackney coaches, hacks, carriages, wagons, carts and drays, for pay or hire, and to regulate the same.

H. B. 195. For the relief of Charles E. Garwood and Mary J. Garwood of Randolph county.

H. B. 488. To amend an act to incorporate the town of Hartsell, in Morgan county, approved March 1, 1875.

And has amended, as therein shown, and passed the following House bills—

H. B. 84. To provide for the registration of all claims and debts against Dallas county.

H. B. 77. To amend section 3341 of the Code.

H. B. 174. To repeal an act to establish a board of commissioners of roads in the county of Mobile, and to prescribe the duties thereof, approved December 20, 1871, and act amendatory thereof, approved March 8, 1876.

And has originated and passed the following bills—

s. 302. To fix the time of holding the fall term of the circuit court of the county of Clark for the year 1879.

s. 292. For the relief of Calvin F. Carson, sheriff of Lauderdale county.

s. 337. Fixing the time of holding the circuit court in Chilton county in this State.

s. 297. To change the time of holding the January term of the circuit court of Blount county.

s. 209. To refund to the Methodist Protestant church of the city of Montgomery taxes illegally assessed and paid on church property.

s. 298. To repeal section 750 of the Code, so far as the same relates to Fayette county.

s. 285. To authorize the Governor, auditor, and attorney-general to compromise certain debts due the State.

s. 181. To punish the bringing of goods obtained by false pretense into this State.

s. 157. To amend sections 862, 863, and 864 of the Code.

s. 116. Relating to the fees of judges of probate, justices of the peace, and notaries public in criminal cases.

s. 301. For the relief of Messrs. Hirsch Bros., of Uniontown, Ala., who paid for license through mistake.

W. L. CLAY,  
Secretary of Senate.

The Senate bills just received, viz :

s. 302, s. 292, s. 337, s. 297, s. 209, s. 298, s. 285, s. 181,  
s. 157, s. 116, s. 301,

Whose titles are set out in the above message,

Were severally read once and ordered to a second reading on to-morrow.

Leave of absence was granted—

Mr. Kirkpatrick until Tuesday;

Mr. McDougald for two days; and

Mr. Hudson, door-keeper, for three days.

Mr. Jolley submitted the following :

*Mr. Speaker :*

The special committee to which was referred the memorial of the trustees and faculty of the Medical College of Alabama, at Mobile, have carefully considered the same, and respectfully report :

That it recommends an appropriation of five thousand dollars to repair the Medical College of Alabama, at Mobile, and it presents herewith a bill making such appropriation, and recommend its passage.

The building was constructed especially for the college, at a cost to the State of fifty thousand dollars, and in certain events named in the act making that appropriation, it reverts to the university of the State of Alabama, of which the college is a department. Its roof has given way, and is falling in, so that rains deluge every part of the building, and is fast ruining it, and its fine anatomical museum will soon be destroyed unless the proper repairs are made at once. According to builders' estimates, six thousand dollars are required, but the excess over the appropriation recommended can be raised by private contributions.

The museum referred to is one of the best selected in the United States. It was prepared in various places in Europe, under the personal supervision of Dr. J. C. Nott; and it cost



over fifty thousand dollars, which was raised by the contributions of the citizens of Mobile.

The faculty have labored without reward, and several hundred citizens of the State have been educated at the college, free of charge, except a small matriculation fee to defray the current expenses.

Your committee feel that the State cannot afford to let this valuable property and institution go to destruction, and earnestly recommend the passage of the bill reported herewith.

W. J. JOLLEY,

Chairman Joint Committee.

The bill reported by the committee being entitled—

H. B. 791. An act to appropriate five thousand dollars for the repairs and preservation of the college building of the Medical College of Alabama at Mobile;

Was read once and ordered to a second reading on tomorrow.

By leave, bills were introduced:

By Mr. Williams—

H. B. 792. To prevent the sale of spirituous liquors within two and a half miles of Sykes' Mills, in Elmore county.

By Mr. Akers of Jefferson—

H. B. 793. To regulate the salary of certain officers.

By Mr. Walker—

H. B. 794. To change the line between the counties of Jefferson and Shelby.

Also,

H. B. 795. To prevent the storage of guano, or other substance of unpleasant odor, at or near certain places or within or near certain limits therein named.

By Mr. Culver—

B. B. 796. To amend an act entitled an act to establish a board of revenue for Montgomery county, approved March 11, 1875.

By Mr. Clark of Mobile—

H. B. 797. To relieve regular steam packets from taking a pilot under certain circumstances.

Also,

H. B. 798. To prohibit the sale or purchase of loose cotton in the city of Mobile in certain cases.

By Mr. Nettles—

H. B. 799. To regulate the sale of land in this State under legal process.

Also,

H. B. 800. To empower the commissioners of Monroe county to compromise county claims.

Also,

H. B. 801. To prevent the hire of minors without consent of parent or guardian.

By Mr. James—

H. B. 802. To regulate the fees of solicitors in certain cases.

Also,

H. B. 803. To punish the reckless use of fire arms in a public place.

Also,

H. B. 804. To prevent the reckless use of fire arms.

Also,

H. B. 805. To prohibit the sale of liquors without license.

Also,

H. B. 806. To require judges of probate, clerk, sheriffs and justices of the peace to perform the duties required of them in section 685 of the Code of 1876.

Also,

H. B. 807. To amend section 566 of the Code of Alabama ; Which bills were severally read once and ordered to a second reading on to-morrow.

Mr. Taylor of Choctaw, from the select committee on game laws, reported a substitute for the Senate bill—

s. 155. To prevent camp hunting in the county of Escambia.

The substitute was adopted, and the bill

Was ordered to a third reading forthwith, read the third time, and passed—yeas 77, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Boger, Bowdon, Boykin, Caldwell, Campbell, Cochrane, Cooper, Clark of Conecuh, Clark of Lawrence, Clarke of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Evans, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Hutto, James, Jolley, Kennedy, Lawrence, Lee, Legg, Lowther, Lyons, Martin, Massey, Muldon, McCarron, McIlwain, Nettles, Nicholson, Owens, Pearson, Pitts, Purifoy, Ralls, Ramsey, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—77.

Also, from same committee, reported favorably to the bill—

H. B. 414. For the preservation of game animals and birds in the county of Escambia.

The bill was ordered to a third reading forthwith, read the third time and passed yeas 74, nays 1.

Yeas—Messrs. Speaker, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Caldwell, Campbell, Cochran, Cooper, Culver, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Dark, Davis, Davidson, Dawson, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Hutto, Jack, Jolley, Kennedy, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—74.

Mr. Hearn voted nay—1.

#### BILLS ON SECOND READING.

The bill—

H. B. 783. To regulate the number and to fix the pay of employes at or about the State capitol—

Was read the second time and referred to the committee on the State capitol.

The bill—

H. B. 784. To amend an act entitled an act to prevent, in certain cases, the sale, exchange and transportation of cotton in the counties of Montgomery, Bullock, Dallas, Russell, Lowndes, Wilcox, Sumter, Autauga, and in beats numbers 1, 2, 3, 4, 5, 6, 7, 8 and 9 of Hale, and of cotton produced in said counties—

Was read the second time and referred to the committee on agriculture and commerce.

The bills—

H. B. 785. For the relief of blind soldiers;

H. B. 786. For the relief of James W. Locke—

Were severally read the second time and referred to the committee on appropriations.

H. B. 787. To regulate the pay of bailiffs of Covington county;

H. B. 790. To amend section 1 of an act to secure more effectually competent and well-qualified jurors in Montgomery and other counties therein named;

And the Senate bills—

s. 28. To amend section 5025 of the Code of Alabama;

s. 110. To amend section 5030 (3517) of the Code ;

Were severally read the second time and referred to the committee on fees and salaries.

The bill—

H. B. 788. To change the boundary line between the counties of Etowah and Calhoun—

Was read the second time and referred to the committee on counties and county boundaries.

The bills—

H. B. 789. To restrict the court of county commissioners for Cherokee county in their levy of the county tax ;

And the Senate bill—

s. 287. To authorize the commissioners court of Etowah county, and of the county of Cullman, to lay off said county of Etowah and county of Cullman into four commissioners districts, and to provide for the election of commissioners therein ;

Were severally read the second time and referred to the committee on local legislation.

The Senate bills—

s. 95. To provide for the appointment of a special judge of the county court of Madison county in cases in which the judge of such court is, from any legal cause, incompetent to sit ;

s. 185. To amend section 608 of the Code, fixing the time of holding the courts in the southern chancery division ;

s. 193. To define the lien of the transferree of the vendor of land ;

Were severally read the second time and referred to the judiciary committee.

The Senate bill—

s. 252. To incorporate the Braxton Bragg Monumental Association—

Was read the second time and referred to the committee on corporations.

The Senate bill—

s. 175. To require the collectors of any special tax in any city or town, except for current expenses, to give separate bonds as collectors of such special tax,

Was read the second time and referred to the committee on ways and means,

## SENATE BUSINESS.

The House concurred in the amendment of the Senate to the bill—

H. B. 174. To repeal an act to establish a board of commissioners of roads in the county of Mobile, and to prescribe the duties thereof, approved December 20, 1871, and an act amendatory thereof, approved March 8, 1876.

Yeas 73, nays 0.

Yeas—Messrs. Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Billingslea, Boger, Bowdon, Boykin, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Fonville, Foshee, Fuller, Fletcher, Griggs, Hand, Hearn, Hughes, Huey, Jack, James, Jolley, Kennedy, Lawrence, Lawson, Lee, Legg, Lowther, Massey, Molett, Muldon, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Wood, Winn—73.

The House concurred in the amendment of the Senate to the bill—

H. B. 318. To amend section 499 of the Code—yeas 68, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Ash, Bailey, Betts, Boger, Bowdon, Boykin, Caldwell, Cochrane, Cooper, Culver, Curtis, Clark of Lawrence, Clark of Mobile, Critcher, Dark, Davis, Davidson, Dawson, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Hughes, Hutto, Jack, James, Jolley, Kennedy, Lawrence, Lawson, Lee, Legg, Lowther, Martin, Massey, McCane, McCarron, McDougald, Owens, Patton, Pearson, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Wood, Woolf, Winn—68.

The House concurred in the Senate amendment to the bill—

H. B. 77. To amend section 3341 of the Code—yeas 69, nays 4.

Yeas—Messrs. Akers of Jefferson, Akers of Marion, Alexander, Ash, Bailey, Betts, Billingslea, Boger, Boykin, Cald-

well, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Fuller, Fletcher, Griggs, Hand, Hearn, Hughes, Huey, Jack, Jolley, Kennedy, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Molett, McCarron, Nicholson, Patton, Pearson, Purifoy, Ralls, Ramsey, Reynolds, Riley, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Thompson, Walker, Waller, Willett, Williams, Wood, Winn—69.

Nays—Messrs. Foster of Macon, Owens, Taylor of Choc-taw and Woolf—4.

The House concurred in the amendment of the Senate to the bill—

H. B. 84. To provide for the registration of all claims and debts against Dallas county—yeas 47, nays 19.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Ash, Bailey, Betts, Billingslea, Boykin, Caldwell, Campbell, Cooper, Culver, Curtis, Clark of Lawrence, Dark, Dawson, English, Fonville, Foshee, Fuller, Haigler, Hand, Hearn, Huey, Jolley, Kennedy, Lee, Lyons, Massey, Molett, McCarron, McIlwain, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Rushing, Smith of Mobile, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—47.

Nays—Messrs. Akers of Jefferson, Boger, Bowdon, Cochrane, Clark of Mobile, Davis, Davidson, Foster of Macon, Fletcher, Griggs, Heacock, Hughes, Jack, Legg, Pitts, Sanders of Lamar, Saunders of Madison, Sheid, Steele and Winn—19.

Mr. Waller gave notice that he would move to reconsider the vote just taken.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
January 31, 1879.

*Mr. Speaker:*

The Senate has passed the House bill—

H. B. 497. To change and prescribe the time of holding the chancery courts for the counties of Shelby, Calhoun, Cleburne, Clay and Randolph.

And has refused to concur in the House amendments to the Senate bill—

s. 4. To prevent the taking, or using temporarily, any

personal property without the consent or assent of the owner, or person, having the control thereof.

W. L. CLAY,  
Secretary of Senate.

On motion of Mr. Smith of Mobile,

The House receded from its 2d amendment to the Senate bill—

s. 4. To prevent the taking, or using temporarily, any personal property without the consent or assent of the owner, or person, having the control thereof.

The House refused to recede from the first amendment thereto, and asked a committee of conference, to consist of two from the House and two from the Senate.

Committee on the part of the House, Messrs. Woolf and Smith of Mobile.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
Jan. 31, 1879.

*Mr. Speaker :*

The President of the Senate having signed the following bills, your signature is requested—

s. 322. Memorial and resolution of the General Assembly in relation to the harbor of Mobile ;

s. 102. To change the boundary line between the counties of Etowah and DeKalb.

W. L. CLAY,  
Secretary of Senate.

And the speaker, in the presence of the House, immediately after their titles had been publicly read, signed said Senate bills (s. 322, s. 102).

#### SPECIAL ORDER.

The hour of 12 o'clock having arrived, the House proceeded to the consideration of the special order for this hour, viz : the—

Joint resolutions recommending government aid to build a Southern trans-continental railway.

By leave,

Mr. Smith of Mobile offered the following resolution :

*Resolved*, That the resolution touching government aid to trans-continental railroad, reported by the committee on federal relations, be recommitted to the committee, as well as the resolution originally referred to said committee, and that the substitute proposed for the resolution reported be also committed to said committee, with authority in said committee to consider and report what is in its opinion is the best disposition to be made of the whole subject, embraced in said several resolutions and substitute.

Mr. Foster of Macon, called for the previous question.

The main question was ordered to be put.

The resolution was adopted.

By leave,

Mr. Barnett offered the following resolution :

*Resolved*, That as members of the General Assembly of Alabama, and looking to the greatest good to the greatest number of the people of said State, we do not believe it to be wise in us to recommend any aid to any enterprise which has for its object the building of a Southern Pacific railroad, which proposes to make its eastern terminus at a point on the eastern side of the Mississippi river farther north than the city of Vicksburg, Mississippi. But having an abiding faith and confidence in the wisdom and integrity of our representatives and senators in Congress, we feel willing to leave this matter to their legislative consideration.

On motion of Mr. Barnett,

The resolution was referred to the committee on federal relations.

Mr. Barnett moved to reconsider the vote by which the resolution was referred.

Mr. Foster of Barbour moved to lay the motion on the table.

Lost.

Yeas 46, nays 46.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Betts, Brooks, Campbell, Cochrane, Clark of Lawrence, Crutcher, Dark, Davis, Davidson, Dawson, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fletcher, Haigler, Hearn, Hughes, Hutto, Kennedy, Lawrence, Legg, Lowther, Massey, McCarron, McDougald, Nicholson, Owens, Patton, Purifoy, Ralls, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Taylor of Lauderdale, Thompson, Woolf—46.

Nays—Messrs. Armstrong, Ash, Barnett, Billingslea, Boger,



Bowdon, Boykin, Caldwell, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Dolive, English, Fuller, Griggs, Hand, Heacock, Huey, Jack, James, Jolley, Lawson, Lee, Lyons, Martin, Molett, Muldon, McIlwain, Nettles, Pearson, Pitts, Ramsey, Register, Reynolds, Riley, Rushing, Smith of Lowndes, Stribling, Taylor of Choctaw, Walker, Waller, Willett, Wood, Winn—46.

By leave,

Mr. Bowdon offered the following resolution :

*Resolved*, That it is the sense of this body that the building of a southern trans-continental railroad with the aid of congress is against public policy, and that this House does not indorse such a plan.

Mr. Taylor of Lauderdale moved to lay the resolution on the table.

Lost.

Yeas 40, nays 50.

Yeas—Messrs. Akers of Jefferson, Akers of Marion, Armstrong, Betts, Caldwell, Curtis, Clark of Lawrence, Clark of Mobile, Dark, Davis, Davidson, Dawson, Evans, Foster of Macon, Fletcher, Hand, Hearn, Hughes, Jack, Kennedy, Lawrence, Lee, Legg, Lowther, Nicholson, Owens, Patton, Pitts, Purifoy, Sanders of Lamar, Saunders of Madison, Sheid, Smith of Autauga, Smith of Mobile, Steele, Taylor of Lauderdale, Thompson, Walker, Willett, Wood—40.

Nays—Messrs. Speaker, Alexander, Ash, Bailey, Barnett, Billingslea, Boger, Bowdon, Boykin, Brooks, Campbell, Cochrane, Cooper, Culver, Clark of Conecuh, Critcher, Crutcher, Dolive, Fonville, Foshee, Fuller, Griggs, Haigler, Heacock, Huey, Hutto, James, Jolley, Lawson, Lyons, Martin, Massey, Molett, Muldon, McCarron, McIlwain, Nettles, Pearson, Ralls, Ramsey, Register, Reynolds, Riley, Sharpe, Smith of Lowndes, Stribling, Taylor of Choctaw, Waller, Woolf, Winn—50.

By leave,

Mr. Brooks offered the following resolution :

*Resolved by this House*, That we have full and complete confidence in our representatives in the congress of the United States upon this, and all other questions affecting the national and political interests of the country, and maintenance of the integrity of the cardinal principles of the great Democratic party and that this House will not instruct *pro* or *con*.

Also,

By leave,

Mr. Clark of Mobile offered the following resolution :

*Resolved*, That it is not expedient nor proper that this House should make any declaration on the subject of a trans-continental railroad, or in endorsement or condemnation of any scheme therefor now before congress. Nor should this House express any opinion in the policy or impolicy of any such measure, but the said matters should be left to the enlightened judgment and untrammelled discretion of our senators and representatives in congress.

Mr. Woolf moved to refer all the resolutions to the committee on federal relations.

Mr. Taylor of Choctaw moved to amend the motion to refer as follows :

And that said committee be instructed not to make any report on the subject of granting governmental aid to build a trans-continental railway.

Mr. Fletcher moved to lay the amendment, as to instructing the committee, on the table.

Lost.

Yeas 30, nays 48.

Yeas—Messrs. Akers of Jefferson, Akers of Marion, Armstrong, Cooper, Curtis, Clark of Lawrence, Dark, Davis, Davidson, Dawson, Evans, Foster of Macon, Fletcher, Jack, Kennedy, Lawrence, Lee, Legg, Pitts, Purifoy, Ralls, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Steele, Taylor of Lauderdale, Walker, Willett, Wood—30.

Nays—Messrs. Speaker, Alexander, Bailey, Barnett, Billingslea, Boger, Bowdon, Boykin, Cochrane, Culver, Clark of Mobile, Dolive, Fonville, Foshee, Fuller, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, James, Lawson, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCarron, McIlwain, Nettles, Nicholson, Patton, Pearson, Ramsey, Register, Reynolds, Riley, Smith of Lowndes, Stribling, Taylor of Choctaw, Thompson, Waller, Woolf, Winn - 48.

The amendment instructing the committee was adopted,

And the motion of Mr. Woolf, as amended, was adopted.

By leave,

Mr. Ralls offered the following :

*Resolved*, That the House take a recess at 2 P. M. to-day, and re-assemble at 4 P. M.

Mr. Woolf moved to amend as follows :

That when the House takes a recess to-day, it re-assemble at 4 P. M.

The amendment was adopted, and the resolution, as amended, was adopted.

#### UNFINISHED BUSINESS.

The House then proceeded to the consideration of the substitute reported to the bill—

H. B. 437. For the relief of Caleb N. Williams, of Chambers county.

By leave,

Mr. Armstrong withdrew the bill.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
January 31, 1879.

*Mr. Speaker :*

The Senate agrees to a committee of conference on the House amendments to the bill—

s. 4. To prevent the taking or using temporarily any personal property without the consent or assent of the owner, or person having the control thereof.

Committee on the part of the Senate :

Messrs. Clarke and Wilson.

W. L. CLAY,  
Secretary.

#### REPORTS FROM COMMITTEES.

By leave,

Mr. Ralls, from the committee on education, reported a substitute for the bill—

H. B. 476. To authorize and require the board of mayor and councilmen of the town of Athens to assess and collect a special tax to build and furnish a school house, &c.

The substitute was adopted.

And the bill ordered to a third reading forthwith, and read the third time.

A call of the yeas and nays, on the passage of the bill, showed that the House was without a quorum, when,

On motion of Mr. Ralls, the House took a recess until  
4 P. M.

## EVENING SESSION.

January 31, 1879.

The House reassembled at the hour of 4 P. M., and proceeded to the consideration of the bill—

H. B. 476. To authorize and require the board of mayor and councilmen of the town of Athens to assess and collect a special tax to build and furnish a school house, etc.

The bill passed.

Yeas, 44, nays 12.

Yeas—Messrs. Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Boger, Bowdon, Campbell, Cooper, Clark of Lawrence, Clark of Mobile, Dark, Davis, Davidson, English, Evans, Fonville, Foshee, Fuller, Hand, Huey, Hutto, James, Jolley, Lawrence, Lawson, Lee, Lowther, Massey, McIlwain, Owens, Ralls, Riley, Sanders of Lamar, Sharpe, Smith of Autauga, Smith of Lowndes, Taylor of Lauderdale, Walker, Waller, Willett, Williams, Wood, Woolf—44.

Nays—Messrs. Cochrane, Critcher, Crutcher, Foster of Macon, Fletcher, Haigler, Heacock, Hughes, Legg, Nicholson, Patton, Sheid, Sharpe, Thompson—12.

Mr. Davis moved to reconsider the vote just taken,

And to lay that motion on the table.

The latter motion was agreed to.

## REPORTS FROM COMMITTEES.

Mr. Boykin, from the committee on appropriations, reported favorably to the Senate bill—

s. 210. To authorize and require the tax collector of Chambers county to assess and collect certain taxes therein named.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 63, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Boger, Bowdon, Boykin, Brooks, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Evans, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Hughes, Huey, Hutto, James, Jolley, Lawrence, Lawson, Lee, Legg, Lowther, Massey, McIlwain, Nicholson, Owens, Patton, Purifoy, Ralls, Ramsey, Riley, Saunders of Lamar, Sharpe, Sheid,

Smith of Autauga, Smith of Lowndes, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf—63.

Also, from same committee, reported adversely to the bill—

H. B. 382. To authorize the auditor to draw his warrant in favor of John D. Burnett, contestant in the Conecuh county contested election case, for the sum of one hundred and ten dollars.

Mr. Clark of Mobile moved to postpone the further consideration of the report until Tuesday, 4th prox., and make it the special order for 12 M.

Mr. Akers of Jefferson moved to lay the bill on the table. The latter motion was lost.

And the motion to postpone was agreed to.

Mr. Boykin, from same committee, reported back to the House the bill—

H. B. 682. For the relief of Charles Linn of Jefferson county.

And asked its reference to the judiciary committee.

So ordered.

Mr. Davis, from the committee on public printing, reported favorably to the bill—

H. B. 490. To amend subdivision 5 of section 845 of the Code.

Amendments were offered exempting certain counties; when,

On motion of Mr. Lawson, the bill, with the amendments, was recommitted.

Mr. Purifoy, from the committee on agriculture and commerce, reported favorably to the bill—

H. B. 435. To prevent the taking and catching of oysters within the waters of this State by persons who are not residents of the State, and to provide penalties for violations of this act, and proceedings to enforce the same.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 71, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Beger, Boykin, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Evans, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Heacock, Hughes, Huey, Hutto, James, Jolley, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Muldon, McIlwain, Nicholson, Owens, Patton, Purifoy, Ralls, Ramsey, Register,

Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf—71.

Also, from the same committee, reported favorably to the bill—

H. B. 496. To regulate the weighing and sampling of cotton.

Mr. Pitts moved to amend, by way of a substitute.

Mr. Clark of Mobile moved to amend by striking out section 2 of the substitute.

The amendment was adopted.

Amendments were offered to exempt certain counties.

Mr. Foster of Macon moved to recommit the bill and amendments.

Mr. Sheid moved to lay the bill and amendments on the table.

The latter motion was agreed to.

On motion of Mr. Sheid, the bill and amendments were taken from the table and recommitted.

Mr. Lawson was permitted to offer a substitute for the bill.

Which was referred, with the bill, to the committee.

Mr. Purifoy, from same committee, reported favorably to the bill—

H. B. 466. To authorize the construction of booms on the Conecuh river, for the safe keeping of saw logs, timber and lumber.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 73, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Boger, Bowdon, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, English, Evans, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Heacock, Hughes, Hutto, James, Jolley, Lee, Legg, Lowther, Lyons, Martin, Massey, Muldon, McIlwain, Nettles, Nicholson, Owens, Patton, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Choctaw, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—73.

By leave, bills were introduced as follows:

By Mr. Clopton (Mr. Woolf in the chair)—

H. B. 808. To authorize exchange for certain coupons under an act to ratify and confirm the settlement of the existing indebtedness of this State, as proposed in the report of the commissioners appointed under the act, approved December 17, 1874, and which was communicated to the General Assembly by message of the Governor, of 24th January, 1876, and to carry said settlement into effect by the issuance of new bonds of this State, at a reduced rate of interest, in adjustment and surrender of certain securities held by the State, in discharge of another portion of said indebtedness, approved Feb. 23, 1876.

Also,

H. B. 809. To amend section 4373 of the Code of Alabama of 1876.

By Mr. Armstrong—

H. B. 810. To amend section 652 of the Code.

By Mr. McIlwain—

H. B. 811. To incorporate the Mechanics' Fire Company, No. 2, of Selma.

By Mr. Brooks—

H. B. 812. To authorize the supreme court to remand causes for new trial, in cases where the ends of justice would be thereby subserved.

Which bills were severally read the first and ordered to a second reading on to-morrow.

Leave of absence was granted—

To Mr. Foster of Barbour until Monday;

Mr. Lowther, until Tuesday next;

And to Messrs. Martin, Reynolds, and Crutcher for to-morrow.

#### REPORTS RESUMED.

Mr. Purifoy, from the committee on agriculture and commerce, reported favorably to the bill—

H. B. 538. For the better enforcement of contracts.

Mr. Taylor of Choctaw moved to amend by way of a substitute—

"Entitled an act to punish the fraudulent violation of certain written contracts."

Mr. Walker moved to amend by inserting after the word "obtain," these words—

"With intent to defraud."

And strike out all after the words "specified time," down to the words "shall."

The amendment was adopted.

Amendments were offered exempting the following counties from the operation of the act:

Lauderdale, Colbert, Morgan, Lawrence, Limestone, Marion, Winston, Crenshaw, Blount, Cullman, Madison, Lamar, Cleburne, Randolph, Walker, Cherokee, St. Clair, Calhoun, DeKalb, Jackson, Mobile, Franklin, Marshall, Coffee, and Geneva.

The amendments were severally adopted.

Mr. Lyons moved to amend by adding—

And any person, or persons, prosecuted under the provisions of this act may make a statement in their own behalf, in the court trying the cause.

Mr. Brooks moved to postpone the further consideration of the bill until Tuesday next, and make it the special order for 12 m.

Lost.

Mr. Cochrane moved to indefinitely postpone the further consideration of the bill.

Pending its consideration—

On motion of Mr. Stribling, the House adjourned till tomorrow morning 10 o'clock.

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## FORTIETH DAY.

HOUSE OF REPRESENTATIVES,

Saturday, February 1, 1879.

House met pursuant to adjournment.

Prayer by Rev. Mr. Howell, of the Senate.

On the call of the roll, the following members answered to their names:

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Boger, Bowdon, Boykin, Brooks, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Conecuh, Clark of Lawrence, Clarke of Mobile, Criteber, Dark, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Hutto, Jack, James, Jolley, Kennedy, Lawrence, Lawson, Lee, Legg, Massey, Mollett, Muldon, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe,



Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—84.

Journal of yesterday read and approved.

Leave of absence was granted—

Messrs. Dawson, Culver and Gilbert for two days;

Mr. Lyons one day;

Mr. Billingslea until Tuesday;

Mr. Bradford until Monday;

Mr. Campbell for five days.

#### ENROLLED BILLS SIGNED.

Mr. Fletcher, from the committee on enrolled bills, reported as correctly enrolled the following bills,

And the Speaker, in the presence of the House, immediately after their titles had been publicly read, signed said bills—

H. B. 318. To repeal that portion of section 499 of the Code which limits license taxes imposed by cities and towns, so far as the same relates to the city of Eufaula and the town of Gadsden.

H. B. 174. To repeal an act to establish a board of commissioners of roads in the county of Mobile, and to prescribe the duties thereof, approved December 20, 1871, and an act amendatory thereof, approved March 8, 1876.

H. B. 232. To repeal an act to increase the pay of witnesses in attendance upon the courts in Greene and Marengo counties, except justices' courts, approved February 8, 1872.

H. B. 498. To authorize the mayor and aldermen of the city of Talladega to license auctioneers, livery and sale stables, and the running of hackney-coaches, hacks, carriages, wagons, carts and drays, for pay or hire, and to regulate the same.

H. B. 195. For the relief of Charles E. Garwood and Mary J. Garwood, of Randolph county.

H. B. 488. To amend an act to incorporate the town of Hartsell, in Morgan county, approved March 1, 1875.

H. B. 77. To amend section 3341 of the Code.

H. B. 504. To incorporate the Alabama Orphan School, at Mountain Home, Lawrence county, Alabama.

H. B. 84. To provide for the registration of all claims and debts against Dallas county.

Mr. Nicholson, from special committee, reported a substitute for the bill—

H. B. 64. To impose a tax, and prescribing the mode of collecting the same, on the privilege of selling wine, ardent spirits or malt liquors in the limits of this State, for the support of the government and to pay the interest on the public debt.

Mr. Muldon moved—

To postpone the further consideration of the report until Tuesday next at 11 A. M., and make it the special order for that hour;

And 200 copies of the substitute be ordered printed.

Lost.

The substitute was adopted.

On motion of Mr. Muldon—

The further consideration of the bill was postponed and made the special order for 11 A. M. Monday next,

And 150 copies ordered printed.

#### MESSAGES FROM THE SENATE.

SENATE CHAMBER,

February 1, 1879.

*Mr. Speaker:*

The Senate has originated and passed the following bills—  
s. 183. To authorize and empower Mrs. Clara T. Bunn, wife of H. L. Bunn, a resident of Clay county, in the State of Georgia, to act and continue to act as administratrix of the estate of her late husband, Thomas J. Irvin, late of Henry county, Alabama

s. 320. To amend section 2809 of the Code.

s. 258. To make the provisions of section 3606 of the Code of Alabama applicable to Blount county.

s. 167. To prevent the wrongful cutting, boxing or girdling of pine trees for the purpose of obtaining crude turpentine.

s. 309. To authorize the city council of Greenville to levy and collect certain license taxes therein named, for the use and benefit of the city of Greenville.

s. 260. For the relief of Thomas B. Patterson.

s. 324. To change the boundary line between the counties of Coffee and Geneva.

s. 327. To authorize the mayor and councilmen of the town of Greensboro, in the county of Hale, Alabama, to adjust, compromise and settle the bonded indebtedness of said town.

s. 346. To regulate the times and places of holding the chancery courts in the western chancery division of Alabama,

composed of the counties of Marengo, Sumter, Greene, Pickens, Fayette, Lamar, Marion, Franklin, Colbert, Landerdale, Limestone, Lawrence, Winston, Walker, Tuscaloosa, Hale, Perry, Bibb, Shelby, Jefferson, Blount, Cullman and Morgan.

And has concurred in the House amendments to—

s. 90. To amend section 43 of the Code of Alabama, with relation to the pay and mileage of officers and members of the General Assembly.

And adopted the report of the committee of conference on the bill—

s. 4. To prevent the taking or using temporarily any personal property, without the consent or assent of the owner or person having the control thereof;

Which is sent herewith attached to the bill.

And has amended, as therein shown, and passed, the following House bills:

H. B. 224. To amend the seventh subdivision of section 651 of the Code, relating to times and places of holding circuit courts in the seventh judicial circuit.

And has passed the following House bills;

H. B. 412. To amend section 3 of an act to incorporate Ivy Creek academy, in the county of Autauga.

H. B. 509. For the relief of Mrs. Margaret A. Johnson, of Perry county.

H. B. 686. To regulate the mode of election of county commissioners for the county of Marion, and to establish district lines in said county.

H. B. 215. To repeal an act, approved January 30th, 1877, to regulate and define the line between the counties of DeKalb and Marshall.

H. B. 553. For the relief of S. A. Dauphin, tax collector of Covington county.

H. B. 461. To amend an act entitled an act to authorize and empower the court of county commissioners of Barbour county to compromise and settle the bonded indebtedness of said county, incurred for stock subscribed by said county to the Vicksburg and Brunswick railroad company—

Approved February 6, 1877.

H. B. 212. To regulate the publication of legal notices in the counties of Lamar and Fayette.

And has originated and passed the following bill, and ordered it sent to the House forthwith without engrossment:

s. 306. To incorporate the Alabama State Bar Association.

W. L. CLAY,  
Secretary of Senate.

The Senate bills just received (viz: s, 183, s. 320, s. 258, s. 167, s. 309, s. 260, s. 324, s. 327, s. 346, s. 306,) whose titles are set out in the above message,

Were severally read once and ordered to a second reading on to-morrow.

By leave,

Mr. Hughes presented a petition from citizens of Greenville in reference to Senate bill 309, which was ordered to be attached to said bill.

Mr. Nicholson, from special committee, reported favorably to the bill—

H. B. 751. To amend subdivisions two and three of section 494 of the Code of Alabama.

On motion of Mr. Woolf,

The further consideration of the report was postponed and made the special order for 11 A. M., Monday next.

Also, from same committee, reported a substitute for the bill—

H. B. 769. To require druggists and apothecaries to take out license in certain cases.

The substitute was adopted.

Amendments were offered to exempt certain counties;

When, on motion of Mr. Foster of Macon,

The bill and amendments were recommitted.

By leave, bills were introduced:

By Mr. Molett—

H. B. 813. To regulate the practice in certain divorce cases.

By Mr. Reynolds—

H. B. 814. For the protection and preservation of the health and morals of the people of Alabama.

Also,

H. B. 815. To authorize the people of Henry county to vote on the question of removing the county seat of said county, and to permanently locate the same.

By Mr. Boger—

H. B. 816. To compensate tax assessors for certain services.

By Mr. Owens—

H. B. 817. To amend subdivision 4, of section 362, of the Code of 1876.

By Mr. Bowdon—

H. B. 818. To repeal subdivision 3, of section 651 (750) of the Code of 1876, concerning the time of holding the circuit

court of Talladega county, and by amending said section to prescribe a different time of holding said court.

By Mr. Clark of Conecuh—

H. B. 819. To prevent camp-hunting in Conecuh county.

By Mr. Register—

H. B. 820. To authorize Wm. A. Campbell to establish a public ferry across the Choctawhatchie river, in Geneva county.

Also,

H. B. 821. To repeal an act to repeal section 4031 of the Revised Code, so far as it relates to the counties of Coffee and Geneva, so far as said act relates to Geneva county, and to revive and re-enact said section 4031 of the Revised Code.

By Mr. Akers of Jefferson—

H. B. 822. For the enforcement of mechanics', employes' and material liens in certain cases.

By Mr. Walker—

H. B. 823. To establish a new charter for the city of Birmingham.

By Mr. Ash—

H. B. 824. To amend section 824 of the Code of 1876.

By Mr. Foster of Macon—

H. B. 825. To amend section 413 of the Code of 1876.

Also,

H. B. 826. To fix the rate of taxation in this State.

By Mr. Bowdon—

H. B. 827. To reduce the rate of taxation in this State.

By Mr. Stribling—

H. B. 828. To regulate the buying and selling, and to require a license for the privilege of buying vinous, spirituous or malt liquors, or intoxicating bitters.

Which bills were severally read once and ordered to a second reading on to-morrow.

By leave,

Mr. Foster of Macon, offered the following resolution,

Which was adopted.

*Resolved*, That the State auditor be requested to prepare and transmit to this House, by Monday next, comparative estimates of the probable cost to the State of the Moffett register and other instruments of like kind which have been brought to his knowledge, and all other expenditures that may be necessary to put in force in Alabama the Virginia system of taxing spirituous and malt liquors.

On motion of Mr. Brooks,

The special committee on the Senate bill to fix time of

holding courts in 12th judicial circuit, was allowed to sit apart from the House a few moments.

Leave of absence was granted Mr. Owens for to-day.

SPECIAL ORDER.

The hour of 12 M. having arrived, the House proceeded to the consideration of the special order for that hour, viz: the bill—

H. B. 259. To amend an act to reduce the rate of taxation in this State.

On motion of Mr. Smith of Mobile,

The bill was recommitted with the privilege of reporting on it or any subject relating to taxation, on Monday next, immediately after the journal is read.

MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
February 1, 1879.

*Mr. Speaker :*

The President of the Senate having signed the following bills, your signature is requested :

s. 177. For the relief of Alexander C. Davidson, as one of the sureties on the official bond of Henry H. Mosely, as late tax collector of Perry county, Alabama ;

s. 53. In relation to misrepresentations in obtaining or securing life policies in insurance companies, and requiring the defendants in actions brought on such policies, to return the premiums received and the interest thereon, to the plaintiffs in certain cases.

W. L. CLAY,  
Secretary of Senate.

And the Speaker, in the presence of the House, immediately after their titles had been publicly read, signed said Senate bills (s. 177, s. 53).

SENATE CHAMBER,  
February 1, 1879.

*Mr. Speaker :*

The Senate has amended, as herein shown, and passed —

H. B. 15. To organize a system of public instruction for the State of Alabama.

W. L. CLAY,  
Secretary of Senate.

## MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,  
Montgomery, Ala., Jan., 1879.

*Mr. Speaker :*

The governor has approved the following bills, which originated in the House :

H. B. 105. To divide the State into eight judicial circuits.

H. B. 675. Joint memorial of the General Assembly of Alabama, to the congress of the United States, in relation to Sipsey river, and the Warrior river from Tuscaloosa to the fork of Sipsey and Mulberry rivers, in Alabama.

H. B. 209. To amend section 400 of the Code of Alabama.

H. B. 773. Joint resolution requiring the secretary of State to furnish copies of the Code of 1876, and the acts of the present and future General Assemblies, to the State University, the Alabama Insane Hospital, and the Agricultural and Mechanical College at Auburn.

H. B. 196. To regulate the levying, assessing, collecting, keeping and disbursing the special taxes of the several counties and municipal corporations of the State.

Very respectfully,

THOS. H. REYNOLDS,  
Recording Secretary.

## SPECIAL ORDER.

The House next proceeded to the second special order for 12 M., viz : the bill.

H. B. 356. To amend subdivision 8 of section 358 of the Code.

On motion of Mr. Bowdon, the further consideration of the bill was postponed and made the special order for Monday next immediately after the journal is read.

Mr. Smith of Mobile, from special committee, reported favorably to the bill—

H. B. 695. To vacate and annul the charter and dissolve the corporation of the city of Mobile, and to provide for the application of the assets thereof in discharge of the debts of said corporation.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 66, nays 2.

Yeas—Messrs. Speaker, Akers of Jefferson, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Bowdon, Boykin,

Brooks, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Lawrence, Clark of Mobile, Crutcher, Davis, Davidson, Dolive, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Lawrence, Lee, Legg, Massey, Muldon, McCarron, McDougald, McIlwain, Nettles, Nicholson, Patton, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Thompson, Willett, Williams, Woolf—66.

Nays—Messrs. Boger and English—2.

Also, from same committee, reported favorably, with amendment, to the bill—

H. B. 698. To incorporate the port of Mobile, and to provide for the government thereof.

Amend by additional section as section 35.

The amendment was adopted,

And the bill ordered to a third reading, and its further consideration postponed until Monday morning, to be taken up as soon as the first special order is disposed of.

#### SENATE BUSINESS.

On motion of Mr. Brooks, the House concurred in the amendments of the Senate to the bill—

H. B. 15. To organize and regulate a system of public instruction—yeas 68, nays 3.

Yeas—Messrs. Speaker, Akers of Jefferson, Armstrong, Ash, Barnett, Betts, Boger, Boykin, Brooks, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Lawrence, Clark of Mobile, Crutcher, Dark, Davidson, Dolive, English, Evans, Fonville, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Jack, James, Jolley, Kennedy, Lee, Legg, Massey, Molett, Muldon, McCarron, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Walker, Willett, Williams, Wood, Woolf—68.

Nays—Messrs. Foshee, Lawrence and Thompson—3.

Mr. Woolf submitted the following report:

The committee of conference on Senate bill No. 4, entitled an act to prevent the taking or using temporarily any per-



sonal property without the consent or assent of the owner or person having the control thereof, have considered the amendment on which the two houses have disagreed, and respectfully recommend that said amendment be amended by inserting the word "any" between the words "or" and "vehicle" in the 4th line of the amendment, and recommend the adoption by the two houses, of the amendment above proposed; and ask the concurrence of the two houses in the amendment thus amended.

H. A. WOOLF,  
J. LITTLE SMITH,  
Committee on part of the House of Representatives.  
W. E. CLARK,  
I. A. WILSON,  
Committee on part of Senate.

The report was adopted—

Yeas 62, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Boykin, Caldwell, Cochrane, Cooper, Clark of Lawrence, Clark of Mobile, Crutcher, Dark, Dawson, Dolive, Fonville, Foshee, Fuller, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, James, Jolley, Kennedy, Lawrence, Lee, Legg, Massey, Molett, Muldon, McCarron, Mellwain, Nicholson, Patton, Pearson, Pitts, Purifoy, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Mobile, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf—62.

Mr. Steele voted nay.

#### BILLS ON SECOND READING.

The bills—

H. B. 795. To prevent the storage of guano or other substances of unpleasant odor at or near certain places, or within or near certain limits therein named;

H. B. 799. To regulate the sale of land in this State under legal process;

H. B. 801. To prevent the hire of minors without consent of parent or guardian;

H. B. 802. To regulate the fees of solicitors in certain cases;

H. B. 803. To punish the reckless use of fire arms in public places;

H. B. 804. To prevent the reckless use of fire arms ;

H. B. 806. To require judges of probate, clerks, sheriffs and justices of the peace to perform the duties required of them in section 683 of the Code of 1876 ;

H. B. 809. To amend section 4373 of the Code of 1876 ;

H. B. 810. To amend section 652 of the Code ;

H. B. 812. To authorize the supreme court to remand causes for new trials in cases where they think the ends of justice would be thereby subserved.

And the Senate bills—

s. 285. To authorize the Governor, auditor, and attorney-general to compromise certain debts due the State ;

s. 181. To punish the bringing of goods obtained by false pretense into this State ;

s. 302. To fix the time of holding the fall term of the circuit court of the county of Clarke for the year 1879 ;

s. 157. To amend section 862, 863 and 864 of the Code ;

s. 297. To change the time of holding the January term of the circuit court of Blount county,

Were severally read the second time and, referred to the judiciary committee.

The bills—

H. B. 796. To amend an act to establish a board of revenue for Montgomery county, approved March 11th, 1875 ;

H. B. 800. To empower the commissioners of Monroe county to compromise county claims.

And the Senate bills—

s. 298. To repeal section 750 of the Code, so far as the same relates to Fayette county ;

s. 209. To refund to the Methodist Protestant church of the city of Montgomery taxes illegally assessed and paid on church property,

Were severally read the second time and referred to the committee on local legislation.

The bill—

H. B. 794. To change the line between the counties of Jefferson and Shelby,

Was read the second time and referred to the committee on counties and county boundaries.

The bill—

H. B. 793. To regulate the salaries of certain officers.

And the Senate bill—

s. 116. Relating to the fees of judges of probate, justices of the peace and notaries public in criminal cases,

Were severally read the second time and referred to the committee on fees and salaries.

The bills—

H. B. 792. To prevent the sale of spirituous liquors within two and a half miles of Sykes' Mills, in Elmore county;

H. B. 805. To prohibit the sale of liquors without license,  
Were severally read the second time and referred to the committee on temperance.

The bill—

H. B. 791. To appropriate the sum of five thousand dollars for the repairs and preservation of the college building of the Medical College of Alabama at Mobile,

Was read the second time and referred to the select committee on the Medical College at Mobile.

The bills—

H. B. 797. To relieve regular steam packets from taking a pilot under certain circumstances;

H. B. 798. To prohibit the purchase or sale of loose cotton in the city of Mobile in certain cases,

Were severally read the second time and referred to the committee on agriculture and commerce.

The bills—

H. B. 807. To amend section 566 of the Code of Alabama;

H. B. 808. To authorize exchange for certain coupons under an act to ratify and confirm the settlement of the existing indebtedness of this State, as proposed in the report of the commissioners appointed under the act approved December 17th, 1874, and which was communicated to the General Assembly, by message of the Governor of 24th January, 1876, and to carry said settlement into effect, by the issuance of new bonds of this State, at a reduced rate of interest, in adjustment of a portion of said indebtedness, and the surrender of certain securities, held by the State, in discharge of another portion of said indebtedness, approved February 23rd, 1876.

And the Senate bill—

s. 301. For the relief of Messrs. Hirsch Bro's, of Uniontown, Ala., who paid for license through mistake,

Were severally read the second time and referred to the committee on ways and means.

The bill—

H. B. 811. To incorporate the Mechanics Fire Company No. 2 of Selma,

Was read the second time and referred to the committee on corporations.

The Senate bill—

s. 292. For the relief of Calvin F. Carson, sheriff, of Lauderdale county,

Was read the second time, and referred to the committee on appropriations.

The Senate bill—

s. 337. Fixing the time of holding the circuit court in Chilton county in this State,

Was read the second time, and referred to a select committee of 3.

Committee: Messrs. Foshee, Lawson and Pitts.

Mr. Muldon, at his request, was excused from serving on the select committee on the bill amending certain sections of the Code, in relation to banking corporations, and Mr. Clark of Mobile was substituted in his stead.

On motion of Mr. Fletcher,

The House adjourned until Monday morning, 10 o'clock.

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## FORTY-FIRST DAY.

MONDAY, February 3, 1879.

House met pursuant to adjournment.

Prayer by Rev. Mr. C. R. Williamson.

On the call of the roll, the following members answered to their names:

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davidson, Dolive, English, Evans, Fonville, Foshee, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Hutto, Jack, James, Jolley, Kennedy, Lawrence, Lawson, Lee, Legg, Lyons, Martin, Massey, Molett, Muldon, McCarron, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—82.

Journal of Saturday read and approved.

Leave of absence was granted Mr. McCane until Wednesday, and Mr. Davis for two days.

## ENROLLED BILLS SIGNED.

Mr. Fletcher, from the committee on enrolled bills, reported as correctly enrolled the following bills, and the speaker, in the presence of the House, immediately after the titles had been publicly read, signed said bills:

H. B. 497. To change and to prescribe the time of holding the chancery courts for the counties of Shelby, Calhoun, Cleburne, Clay and Randolph.

H. B. 412. To amend section three of an act to incorporate Ivey Creek Academy, in the county of Autauga.

H. B. 509. For the relief of Mrs. Margaret A. Johnson, of Perry county.

H. B. 686. To regulate the mode of election of county commissioners for the county of Marion, and to establish district lines in said county.

H. B. 215. To repeal an act, approved January 30th, 1877, to regulate and define the line between the counties of DeKalb and Marshall.

H. B. 553. For the relief of S. A. Dauphin, tax collector of Covington county.

H. B. 461. To amend an act entitled An act to authorize and empower the court of county commissioners of Barbour county to compromise and settle the bonded indebtedness of said county incurred for stock subscribed by said county to the Vicksburg & Brunswick Railroad Company," approved February 6, 1877.

H. B. 212. To regulate the publication of legal notices in the counties of Lamar and Fayette.

Mr. Betts, from the committee on ways and means, reported favorably, with amendment, to the bill,

H. B. 564. To reduce the rate of taxation in this State.

Amend by striking out "five-tenths" and inserting "six-tenths."

Mr. Cochrane moved to amend the amendment by striking out "six-tenths" and inserting "six and one-half tenths."

Pending the consideration of which, the following messages were received:

## MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
Feb. 3, 1879.

*Mr. Speaker:*

The Senate has passed the following House bills:

H. B. 395. To authorize the auditor to draw his warrant in favor of N. J. and C. G. Sanford.

H. B. 405. To repeal an act to regulate the letting of contracts for public works in the county of Sumter, approved February 5, 1877.

H. B. 493. For the relief of J. N. Blanton, of Pickens county.

And has adopted House joint resolution

Authorizing the secretary of State to sell certain articles.

And has adopted the following joint resolution :

*Resolved by the Senate, the House of Representatives concurring,* That a joint committee, consisting of three from the Senate and six from the House, be appointed by the President of the Senate, and Speaker of the House, respectively, to take into consideration the amount of public business now before the General Assembly, and report on what day it will be expedient for this General Assembly to adjourn *sine die*.

Committee on part of the Senate—

Messrs. Howell, Burford and Clanton.

And has refused the concur in the House amendment to the bill—

s. 173. For the better protection of planters in the counties of Marengo, Monroe, Clarke and Choctaw.

And has originated and passed the following bills :

s. 339. To divide the southern chancery division into districts ;

s. 340. To fix the times and places of holding the chancery courts in the southern chancery division ;

s. 325. To appoint commissioners to permanently locate the county site of Geneva county ;

s. 338. To provide for the registration of claims against the fine and forfeiture fund of Blount county ;

s. 324 $\frac{1}{2}$ . To define the boundary lines between the counties of Henry, Geneva, Coffee and Dale ;

s. 406. To regulate legal advertising in the county of Henry ;

s. 329. To provide a fund for the payment of witnesses for the State in the circuit court of Dallas county, and in the city court of Selma, and prescribe their compensation ;

s. 347. To authorize the court of county commissioners of Bullock county to employ an attorney when necessary.

W. L. CLAY,  
Secretary of Senate.

The Senate bills just received (viz : s. 106, s. 329, s. 322 $\frac{1}{2}$ ,

s. 338, s. 340, s. 339, s. 325, s. 347), whose titles are set out in the above message,

Were severally read once and ordered to a second reading on to-morrow.

Mr. Akers of Jefferson gave notice that he would move to reconsider the vote by which the House concurred in the amendments of the Senate to the bill—

H. B. 15. To organize and regulate a system of public instruction.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,

February 3, 1879.

*Mr. Speaker :*

The President of the Senate having signed the following bills, your signature is requested :

s. 132. To incorporate the town of Anniston, in Calhoun county ;

s. 210. To authorize and require the tax collector of Chambers county to assess and collect certain taxes therein named.

W. L. CLAY,  
Secretary of Senate.

And the Speaker, in the presence of the House, immediately after their titles had been publicly read, signed said Senate bills (s. 132, s. 210).

#### MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,  
Montgomery, Ala., Feb. 1, 1879.

*Mr. Speaker :*

The Governor has approved the following bills, which originated in the House :

H. B. 142. To prevent in certain cases, the sale, exchange and transportation of cotton, in the counties of Montgomery, Bullock, Dallas, Russell, Lowndes, Wilcox, Sumter, Autauga, and in beats Nos. 1, 2, 3, 4, 5, 6, 7, 8 and 9 of Hale, and of cotton produced in said counties ;

H. B. 174. To repeal an act to establish a board of commissioners of roads in the county of Mobile and to prescribe the duties thereof, approved December 20, 1871, and an act amendatory thereof, approved March 8, 1876 ;

H. B. 232. To repeal an act to increase the pay of witnesses in attendance upon the courts in Greene and Marengo counties, except justices courts, approved February 8, 1872;

H. B. 195. For the relief of Charles E. Garwood and Mary J. Garwood, of Randolph county;

H. B. 488. To amend an act to incorporate the town of Hartsell, in Morgan county, approved March 1, 1875;

H. B. 77. To amend section 3341 of the Code;

H. B. 498. To authorize the mayor and aldermen of the city of Talladega, to license auctioneers, livery and sale stables, and the running of hackney coaches, hacks, carriages, wagons, carts and drays for pay or hire, and to regulate the same;

H. B. 504. To incorporate the Alabama Orphan School, at Mountain Home, Lawrence county, Alabama;

H. B. 318. To repeal that portion of section 499 of the Code, which limits license taxes imposed by cities and towns, so far as the same relates to the city of Eufaula, and the town of Gadsden;

H. B. 84. To provide for the registration of all claims and debts against Dallas county, and instructs me to present a message in writing.

Very respectfully,

THOS. H. REYNOLDS,  
Recording Secretary.

The message of the governor is as follows:

EXECUTIVE DEPARTMENT,  
MONTGOMERY, Feb. 3, 1879.

*Gentlemen of the House of Representatives:*

I regret that it becomes my duty, under the requirements of the constitution, to return to you, with my objections thereto, House bill No. 374, entitled "An act to authorize and require the auditor to pay over to the several counties their respective shares of the money received for tax lands transferred by him."

From the time of purchase by the State of lands sold for non-payment of taxes until they are transferred from the State, the lands are the property of the State, are not assessed by the State, pay no revenue to the State, and are not taxable by the counties.

When these lands are sold and transferred by the State, they become the property of the purchaser, who alone is



thereafter liable to the State, and the county for taxes levied upon them. The amounts due to the several counties at the time of the sale of lands sold for non-payment of taxes, and received by the auditor for the redemption of lands thus sold, should be returned to the counties, and the title indicates the purpose of the bill to be to require the return of these amounts only.

But the language of section 1 of the bill appears susceptible of a much broader construction than that used in the title will bear, and so bind the State to pay to the several counties respectively, all unpaid taxes upon the lands to which it relates, including taxes for the time between the purchase by the State, and the transfer from the State.

This construction of section 1 is so plausible, and will so probably be put upon it, that I am constrained to return the bill, with these objections thereto, for your consideration.

R. W. COBB, Governor.

By leave, bills were introduced—

By Mr. Walker—

H. B. 829. To authorize the collection of a license tax by the mayor and aldermen of the city of Birmingham.

Also (with petition),

H. B. 830. To change the line between Jefferson and Blount.

By Mr. Smith of Lowndes—

H. B. 831. For the relief of S. E. Riggs of Lowndes county.

By Mr. Dark—

H. B. 832. To repeal an act to change the apportioning of hands on roads in Tallapoosa county, approved March 1, 1870.

By Mr. Muldon (with petition)—

H. B. 833. To repeal section 1618 of the Code.

Also,

H. B. 834. To amend section 4439 of the Code of Alabama.

By Mr. Betts—

H. B. 835. To amend section 2005 of the Code.

By Mr. Crutcher—

H. B. 836. To repeal certain parts of section 358 of the Code.

By Mr. McCarron—

H. B. 837. To amend section 4414 of the Code.

By Mr. Pitts—

H. B. 838. To detach the county of Shelby from the seventh congressional district, and attach the same to the sixth congressional district.

By Mr. Culver—

H. B. 839. To prevent the hunting of certain animals upon the lands of others in Bullock county.

By Mr. Ramsey—

H. B. 840. To amend section 2711 of the Code of Alabama.

By Mr. Clopton (Mr. Ralls in the chair.)

H. B. 841. To authorize John Swan and John A. Billups, trustees and grantees mentioned in the deed executed by the Governor of Alabama, under section 19 of the act, approved Feb. 23, 1876, entitled an act to ratify and confirm the settlement of the existing indebtedness of the State, etc., or the remaining or surviving one of said trustees, or their successor, or successors, to sue for, recover, and receive, damages for any trespass to or upon any timber on said lands, committed before the execution of said deed.

Also,

H. B. 842. To amend sections 2 and 4 of an act to abolish fencing in certain portions of Montgomery county, approved January 29, 1867.

By Mr. Boykin—

H. B. 843. To enable counties to collect taxes upon the capital stock of banking associations for the years 1875, 1876, 1877 and 1878, and to repeal subdivision 7 of section 369 of the Code of Alabama.

By Mr. Bowdon—

H. B. 844. To define and regulate the term of office of the tax collector elected on the 1st Monday in August, 1877.

By Mr. Rushing—

H. B. 845. To declare Pea river, from the northeastern boundary of Coffee county to its confluence at Geneva, a lawful fence.

By Mr. Purifoy—

H. B. 846. To provide for redeeming and cancelling the State obligations.

Which bills were severally read once and ordered to a second reading on to-morrow.

Mr. Muldon offered joint resolution—

H. B. 848. Providing for the printing biennially one thousand copies of the report of the trustees and officers of the Alabama Insane Hospital, and for the distribution of the same.

Which was read and adopted.

Mr. Jolley presented the petition of certain retail liquor dealers in Mobile, asking for a change in the law, so that they may pay the license in quarterly installments in advance.

Which was referred to the committee on ways and means.

By leave—

Mr. Taylor of Lauderdale, from the committee on local legislation, reported back the Senate bill—  
s. 209—

And asked its reference to the committee on appropriations.

So ordered.

By leave—

Mr. Stribling offered the following resolution, which was adopted :

*Resolved*, That on and after Tuesday of this week the House will hold two sessions a day.

*Resolved further*, That the committees only report House bills until after Saturday next.

Pending the consideration of the amendment of Mr. Cochrane to the amendment reported by the committee on ways and means to the bill—

H. B. 564. To reduce the rate of taxation in this State,

On motion of Mr. Armstrong the House took a recess until 7.30 P. M.

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#### EVENING SESSION.

House reassembled at 7:30 P. M., and proceeded to the consideration of the bill—

H. B. 564. To reduce the rate of taxation in this State.

The question pending being the amendment offered by Mr. Cochrane to the amendment reported by the committee on ways and means—

On motion of Mr. Saunders of Madison, the further consideration of the bill was postponed until to-morrow, to be taken up immediately after the journal is read.

On motion of Mr. Waller, the further consideration of the bill—

H. B. 538. For the better enforcement of contracts,

Was postponed until to-morrow, to come up immediately after the first special order is disposed of.

#### REPORTS FROM COMMITTEES.

Mr. Purifoy, from the committee on agriculture and commerce, reported favorably to the bill—

H. B. 611. To establish the Warrior agricultural district,

and to provide for the securing of the same and the management of its affairs.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 64, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Alexander, Armstrong, Ash, Barnett, Bradford, Caldwell, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davidson, Dawson, Dolive, Fonville, Foshee, Fletcher, Griggs, Hearn, Hutto, Jolley, Kennedy, Lawrence, Lawson, Lee, Legg, Lyons, Martin, Massey, Molett, Muldon, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Walker, Willett, Williams, Wood, Woolf, Winn—64.

Nay—Mr. Boger.

Also, from the same committee, reported favorably to the bill—

H. B. 599. To regulate the handling, storage, and sale of cotton in Mobile, and to protect such cotton from depredations.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 56, nays 2.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Barnett, Bowdon, Brooks, Caldwell, Cochrane, Cooper, Culver, Clark of Mobile, Critcher, Crutcher, Dark, Davidson, Dolive, Foshee, Fletcher, Griggs, Hearn, Huey, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lyons, Massey, Muldon, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Winn—56.

Nays—Messrs. Clark of Conecuh and Clark of Lawrence.

Also, from the same committee, reported favorably to the bill—

H. B. 732. To regulate the buying and selling of oysters in the shell by measure.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 71, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Barnett, Boger, Bowdon, Bradford, Caldwell, Cochrane, Cooper, Culver, Curtis, Clark of Cone-

cuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Dolive, English, Evans, Fonville, Foshee, Fletcher, Griggs, Hearn, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Legg, Lyons, Martin, Massey, Molett, Muldon, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Saunders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf.

Also, from same committee, reported favorably, with amendment, to the bill—

H. B. 699. To amend section 4369 of the Code ;

Amend by adding :

“Provided, The provisions of this section shall not apply to any person moving seed cotton to a gin for the purpose of having the same ginned.”

The amendment was adopted,

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 54, nays 6.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Barnett, Bowdon, Boadford, Brooks, Caldwell, Cooper, Culver, Clark of Mobile, Dark, Davidson, Fonville, Fletcher, Griggs, Hutto, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lyon, Martin, Massey, Molett, Muldon, McIlwain, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Thompson, Walker, Willett, Williams, Wood, Woolf—54.

Nays—Messrs. Boger, Curtis, English, Sharpe, Steele and Taylor of Lauderdale—6.

Also, from same committee, reported favorably to the bill—

H. B. 632. To amend sections 1415 and 1417 of the Code.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 61, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Boger, Bowdon, Bradford, Brooks, Caldwell, Cochrane, Cooper, Clark of Mobile, Critcher, Dark, Davidson, Dolive, Fonville, Fletcher, Griggs, Hearn, Heacock, Huey, Jack, Jolley, Kennedy, Lawrence, Lawson, Lee, Legg, Lyons, Massey, Muldon, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Sanders of Lamar, Sharpe,

Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf,—61.

Mr. Willett, from the committee on fees and salaries, reported a substitute for the bill—

H. B. 63. To amend the first sub-division of section 5047 of the Code.

Mr. Smith of Mobile moved to amend the substitute by striking out "fifty" and inserting "thirty."

The substitute was adopted.

Mr. Taylor of Lauderdale moved to amend by adding at the end of the bill :

"Provided, The provisions of this act shall apply alone to Mobile and Marengo counties."

The amendment was adopted,

And the bill was ordered to a third reading forthwith, read the third time and passed—yeas 56, nays 11.

Yeas—Messrs. Akers of Jefferson, Akers of Marion, Alexander, Ash, Barnett, Bradford, Campbell, Cochrane, Cooper, Culver, Clark of Couecub, Clark of Mobile, Dark, Davidson, Dolive, Fletcher, Hearn, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lyons, Martin, Massey, Molett, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood—56.

Nays—Messrs. Speaker, Armstrong, Billingslea, Boger, Bownon, Brooks, Fonville, Foshee, Griggs, McIlwain and Woolf—11.

Also, from same committee, reported favorably to the bill—

H. B. 600. To fix the salary of the judge of the city court of Montgomery.

Mr. Smith of Mobile moved to postpone the further consideration of the bill till after H. B. 370, "Fixing the salaries of judicial officers," is disposed of.

Lost.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 67, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armnett, Ash, Barnett, Billingslea, Boger, Bowdon, Brooks, Caldwell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Dark, Davidson, Dolive, Fonville, Foshee, Fletcher, Griggs, Hearn, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lyons, Massey,

Molntt, McIlwain, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—67.

Also, from same committee, reported favorably to the bill—

H. B. 387. To repeal an act to regulate the pay of the court of county commissioners of Tallapoosa county.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 69, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Billingslea, Boger, Bowdon, Bradford, Brooks, Caldwell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Dark, Davidson, Dolive, Fonville, Foshee, Fletcher, Griggs, Hearn, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lyons, Massey, Molett, McIlwain, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—69.

Also, from same committee, reported favorably to the bill—

H. B. 489. To amend sub-division "K" of section 5032 of the Code of 1876.

Mr. Lawrence moved to strike out "two hundred and fifty" and insert "one hundred and fifty."

On motion of Mr. Stribling,

The amendment was laid on the table.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 63, nays 2.

Yeas—Messrs. Speaker, Alexander, Armstrong, Ash, Billingslea, Boger, Bowdon, Bradford, Brooks, Caldwell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Dark, Davidson, Fonville, Foshee, Fletcher, Griggs, Hearn, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawson, Lee, Legg, Lyons, Massey, Molett, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—63.

Nays—Messrs. Lawrence and McIlwain—2.

Also, from same committee, reported a substitute for the bill—

H. B. 312. To amend section 5047 of the Code of Alabama.

The substitute was adopted,

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 66, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Armstrong, Ash, Barnett, Billingslea, Boger, Bowdon, Bradford, Caldwell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Dark, Davidson, Dolive, Fonville, Foshee, Fletcher, Griggs, Hearn, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lyons, Martin, McIlwain, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—66.

Mr. Brooks voted nay.

Also, from same committee, reported favorably to the bill—

H. B. 415. To amend section 2 of an act to consolidate the offices of circuit clerk and tax assessor in and for the county of Escambia, approved February 9th, 1877.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 60, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Armstrong, Barnett, Billingslea, Bowdon, Bradford, Brooks, Caldwell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Dark, Davidson, Dolive, Fonville, Foshee, Fletcher, Griggs, Hearn, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lyons, Martin, Massey, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Rushing, Sanders of Lamar, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—60.

Mr. Boger voted nay.

Also, from same committee, reported favorably to the bill—

H. B. 620. To amend an act to authorize the commissioners' court of Russell county to appoint a board of finance, and to issue the bonds of said county for the payment of indebtedness thereof, approved March 17, 1875.



And the bill was ordered to a third reading forthwith, read the third time and passed—yeas 58, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Armstrong, Ash, Barnett, Boger, Bradford, Brooks, Caldwell, Cooper, Culver, Curtis, Dark, Davidson, Dolive, Fonville, Foshee, Fletcher, Griggs, Hearn, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lyons, Martin, Massey, Molett, McIlwain, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Rushing, Sanders of Lamar, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Wood—58.

#### BILLS ON SECOND READING.

The bills—

H. B. 815. To authorize the people of Henry county to vote on the question of removing the county seat of said county, and to permanently locate the same;

H. B. 820. To authorize William D. Campbell to establish a public ferry across the Choctawhatchie river, in Geneva county;

H. B. 821. To repeal an act to repeal section 4031 of the Revised Code, so far as it relates to the counties of Coffee and Geneva, so far as said act relates to Geneva county, and to revive and re-enact said section 4031 of the Revised Code—

Were severally read the second time and referred to the committee on local legislation.

The bills—

H. B. 813. To regulate the practice in certain divorce cases;

H. B. 814. For the protection and preservation of the health and morals of the people of Alabama;

H. B. 818. To repeal subdivision three of section 651 (750) of the Code of 1876, concerning the time of holding the circuit court of Talladega county, and by amending said section, to prescribe a different time for holding said court;

H. B. 822. For the enforcement of mechanics', employes' and material liens, in certain cases;

And the Senate bills—

s. 258. To make the provisions of section 3606 of the Code of Alabama applicable to Blount county;

s. 346. To regulate the times and places of holding the chancery courts in the western chancery division of Alabama, composed of the counties of Marengo, Sumter, Greene, Pick-

ens, Fayette, Lamar, Marion, Franklin, Colbert, Landerdale, Limestone, Lawrence, Winston, Walker, Tuscaloosa, Hale, Perry, Bibb, Shelby, Jefferson, Blount, Cullman and Morgan;

s. 183. To authorize and empower Mrs. Clara T. Bunn, wife of H. L. Bunn, a resident of Clay county, in the State of Georgia, to act and continue to act as administratrix of the estate of her late husband, Thomas J. Irvin, late of Henry county, Alabama;

s. 320. To amend section 2809 of the Code;

Were severally read the second time and referred to the judiciary committee.

The bills—

H. B. 816. To compensate tax assessors for certain services;

H. B. 827. To reduce the rate of taxation in this State;

H. B. 817. To amend subdivision four of section 312 of the Code of 1876;

H. B. 824. To amend section 424 of the Code of 1876;

H. B. 825. To amend section 413 of the Code of 1876;

H. B. 826. To fix the rate of taxation in this State;

And the Senate bill—

s. 260. For the relief of Thomas B. Patterson,

Were severally read the second time and referred to the committee on ways and means.

H. B. 819. To prevent camp-hunting in Conecuh county—

Was read the second time and referred to the committee on game laws.

The bill—

H. B. 828. To regulate the buying and selling, and to require a license for the privilege of buying, vinous, spirituous or malt liquors—

Was read the second time and referred to the committee on temperance.

The bill—

H. B. 823. To establish a new charter for the city of Birmingham—

Was read the second time and referred to a select committee of three.

The Senate bills—

s. 309. To authorize the city council of Greenville to levy and collect certain license taxes therein named, for the use and benefit of the city of Greenville;

s. 327. To authorize the mayor and councilmen of the town of Greensboro, in the county of Hale, Alabama, to adjust, compromise and settle the bonded indebtedness of said town,

Were severally read the second time and referred to the committee on corporations.

The Senate bill—

s. 167. To prevent the wrongful cutting, boxing or girdling of pine trees for the purpose of obtaining crude turpentine,

Was read the second time and referred to the committee on agriculture and commerce.

The Senate bill—

s. 324. To change the boundary line between the counties of Coffee and Geneva,

Was read the second time and referred to the committee on counties and county boundaries.

The Senate bill—

s. 306. To incorporate the Alabama Bar Association—

Was read the second time and referred to a select committee of three.

By leave, bills were introduced :

By Mr. Rushing—

H. B. 847. To amend section 1526 of the Code of 1876.

By Mr. Riley—

H. B. 848½. To repeal an act to repeal an act to repeal section 4031 (482) of the Revised Code, so far as the same applies to the county of Covington, and to re-enact said original section 4031 (482).

By Mr. Clark of Mobile—

H. B. 849. To protect bills and other notices lawfully posted from wanton or malicious defacement or destruction.

By Mr. Griggs—

H. B. 850. To provide for the sending of criminal insane persons to the Alabama insane hospital.

Also,

H. B. 851. To provide for the support of indigent or criminal patients in the Alabama insane hospital, in certain cases;

Which bills were severally read once and ordered to second reading on to-morrow.

On motion of Mr. Stribling, the House adjourned until to-morrow morning 10 o'clock.

## FORTY-SECOND DAY.

HOUSE OF REPRESENTATIVES,  
Tuesday, February 4, 1879.

House met pursuant to adjournment.

Prayer by Rev. Mr. Davidson, of the House.

On the call of the roll, the following members answered to their names :

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Cochrane, Cooper, Culver, Curtis, Clark of C., Clark of L., Critcher, Crutcher, Dark, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Molett, Muldon, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—89.

Journal of yesterday read and approved.

By leave—

Mr. Lyons offered the following resolution,

Which was adopted :

*Resolved*, That a special committee of three be appointed to frame and report at the earliest moment a bill to retire the obligations of the State bearing 8 per cent. interest.

Committee—Messrs. Lyons, Purifoy and McCarron.

## ENROLLED BILLS SIGNED.

Mr. Fletcher, from the committee on enrolled bills, reported as correctly enrolled the following bills,

And the Speaker, in the presence of the House, immediately after their titles had been publicly read, signed said bills—

H. B. 405. To repeal an act to regulate the letting of contracts for public works in the county of Sumter, approved February 5, 1877.

H. B. 493. For the relief of J. N. Blanton, of Pickens county.

H. B. 395. To authorize the auditor to draw his warrant in favor of N. J. and C. G. Sanford.

Joint resolution authorizing the Secretary of State to sell certain articles.

# MESSAGE FROM THE SENATE.

SENATE CHAMBER,

February 4, 1879.

*Mr. Speaker :*

The Senate has passed the following House bills :

H. B. 423. To authorize the board of directors of the State Normal school and University for the colored race at Marion, Perry county, to appropriate and expend certain educational funds in their hands to the repairing, improving and enlarging of the buildings of said Normal school and University ;

H. B. 369. To ratify the agreement made by and between William Lee, as county superintendent of education of Chilton county, and J. O. Smith, one of the sureties of L. W. Frazier, late county superintendent of education of said county.

And has originated and passed the following bills :

s. 259. To establish a separate school district, to be known as "New Market District," in Madison county ;

s. 291. To fix the time of holding the circuit courts of the eighth judicial circuit of Alabama ;

s. 278. To provide for printing and distributing the report of the State Geologist, and for color plates, and printing the maps of the counties of Fayette, Marion, Winston and Walker, which accompany said report ;

s. 279. To establish a Normal school at Fayetteville, in Fayette county, Alabama ;

And has originated and passed the following bill, and ordered the same forthwith to the House—

s. 226. To amend section 1821 of the Code.

W. L. CLAY,  
Secretary of Senate.

The Senate bills just received (viz: s. 278, s. 259, s. 279, s. 291, s. 226,) whose titles are set out in the above message, Were severally read once and ordered to a second reading on to-morrow.

By leave, bills were introduced:

By Mr. Brooks—

H. B. 852. To regulate the time of holding the circuit courts of the 5th judicial circuit of Alabama.

By Mr. Boykin—

H. B. 853. To amend section 1921 of the Code of Alabama.

By Mr. Akers of Marion—

H. B. 854. To amend section 369 of the Code.

By Mr. Purifoy—

H. B. 855. To prohibit camp-hunting in Wilcox county.

Which bills were severally read the once and ordered to a second reading on to-morrow.

#### BILLS ON SECOND READING.

The bill—

H. B. 829. To authorize the collection of a license tax by the mayor and aldermen of the city of Birmingham.

Was read the second time and referred to the select committee on the Birmingham charter.

The bill—

H. B. 830. To change the line between the counties of Jefferson and Blount.

And the Senate bills—

s. 322½. To define the boundary lines between the counties of Henry, Geneva, Coffee and Dale;

s. 325. To appoint commissioners to permanently locate the county site of Geneva county;

Were severally read the second time and referred to the committee on counties and county boundaries.

The bill—

H. B. 831. For the relief of S. E. Riggs of Lowndes county.

Was read the second time and referred to the committee on education.

The bill—

H. B. 832. To repeal an act to change the apportioning of hands on roads in Tallapoosa county, approved March 1, 1870.

Was read the second time and referred to a special committee of three.

The bills—

H. B. 833. To repeal section 1618 of the Code ;

H. B. 834. To amend section 4439 of the Code of Alabama ;

H. B. 837. To amend section 4417 of the Code ;

H. B. 842. To amend sections two and four of an act to abolish fencing in certain portions of Montgomery county, approved January 20, 1867 ;

Were severally read the second time and referred to the committee on agriculture and commerce.

The bill—

H. B. 835. To amend section 2005 of the Code.

Was read the second time and referred to a select committee of three.

Committee, Messrs. Betts, Jack and Lee.

The bills—

H. B. 836. To repeal certain parts of section 358 of the Code ;

H. B. 843. To enable counties to collect taxes upon the capital stock of banking associations for the years 1875, 1876, 1877 and 1878, and to repeal subdivision 7, of section 369, of the Code of Alabama.

And the Senate bill—

s. 347. To authorize the court of county commissioners of Bullock county to employ an attorney when necessary.

Were severally read the second time and referred to the committee on ways and means.

The bills—

H. B. 838. To detach the county of Shelby from the 7th congressional district, and attach the same to the sixth congressional district ;

H. B. 840. To amend section 2711 of the Code of Alabama ;

H. B. 841. To authorize John Swan and John A. Billups, the trustees and grantees mentioned in the deed executed by the governor of Alabama under section 19 of the act, approved February 3, 1876, entitled an act to ratify and confirm the settlement of the existing indebtedness of this State, &c., or the remaining or surviving one of said trustees or their successor or successors to sue for, recover and receive damages for any trespass to or upon the lands embraced by said deed, or to or upon any timber on said lands committed before the execution of said deed ;

H. B. 847. To amend section 1526 of the Code of 1876 ;

H. B. 848½. To repeal an act to repeal an act to repeal section 4031 of the Revised Code, in so far as the same ap-

plies to the county of Covington, and to re-enact said original section 4031.

And the Senate bills—

s. 339. To divide the southern chancery division into districts;

s. 340. To fix the times and places of holding the chancery courts in the southern chancery division;

Were severally read the second time and referred to the judiciary committee.

The bill—

H. B. 839. To prevent the hunting of certain animals upon the lands of others in Bullock county.

Was read the second time and referred to the committee on game laws.

The bill—

H. B. 844. To define and regulate the term of office of the tax collectors elected on the first Monday in August, 1877.

Was read the second time and referred to the committee on fees and salaries.

The bill—

H. B. 845. To declare Pea river, from the north-eastern boundary of Coffee county to its confluence at Geneva, a lawful fence.

Was read the second time and referred to the committee on public roads and highways.

The bill—

H. B. 846. To provide for redeeming and cancelling the State obligations.

Was read the second time and referred to the special committee appointed on that subject.

The bill—

H. B. 849. To protect bills and other notices lawfully posted from wanton or malicious defacement or destruction.

Was read the second time and referred to the committee on corporations.

The bills—

H. B. 850. To provide for the sending of criminal insane persons to the Alabama Insane Hospital;

H. B. 851. To provide for the support of indigent or criminal patients in the Alabama Insane Hospital in certain cases;

Were severally read the second time and referred to a select committee of three.

Committee—

Messrs. Griggs, Pearson and Rushing.

The Senate bills—



s. 106. To regulate legal advertising in the county of Henry ;

s. 329. To provide a fund for the payment of witnesses for the State in the circuit court of Dallas county, and in the city court of Selma, and to prescribe their compensation ;

s. 338. To provide for the re-registration of claims against the fine and forfeiture fund of Blount county ;

Were severally read the second time and referred to the committee on local legislation.

#### SENATE BUSINESS.

The Senate joint resolution—

Providing for joint committee on final adjournment ;

Was read and adopted.

Committee on part of the House—

Messrs. Williams, Smith of Mobile, Walker, Lawrence, Hand.

Mr. Waller moved to reconsider the vote passing the bill—

H. B. 632. To amend section 1415 and 1417 of the Code.

The House refused to reconsider.

Mr. Jolly, from select committee, reported favorably to the bill—

H. B. 791. To appropriate the sum of five thousand dollars for the repairs and preservation of the college building of the Medical College of Alabama, at Mobile.

Mr. Lawson moved to recommit the bill to the committee on appropriations.

Lost.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 67, nays 9—and ordered forthwith to the Senate.

Yeas - Messrs. Speaker, Akers of Marion, Armstrong, Ash, Barnett, Betts, Boger, Boykin, Bradford, Brooks, Caldwell, Cooper, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Davidson, Dolive, Fonville, Foster of Barbour, Foster of Macon, Fletcher, Gilbert, Griggs, Hand, Hughes, Huey, Hutto, Jack, James, Jolley, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Massey, Molett, Muldon, McCarron, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Saunders of Madison, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Walker, Willett, Williams, Wood, Woolf, Winn—67.

Nays—Messrs. Akers of Jefferson, Dark, Evans, Hearn, Kennedy, McIlwain, Owens, Sanders of Lamar, Thompson—9.

MESSAGE FROM THE SENATE.

SENATE CHAMBER,

Feb. 4, 1879.

*Mr. Speaker :*

The President of the Senate having signed the following bills, your signature is requested :

s. 90. To amend section forty-three of the Code of Alabama, with relation to the pay and mileage of officers and members of the General Assembly.

s. 269. To regulate the election of municipal officers in the city of Selma.

W. L. CLAY,  
Secretary.

And the Speaker, in the presence of the House, immediately after their titles had been publicly read, signed said Senate bills s. 90, s. 269.

By leave,

Mr. Woolf, from the judiciary committee, reported favorably to the bill—

H. B. 306. To regulate the times for holding the chancery court in and for the northern chancery division of Alabama.

The bill was ordered to a third reading forthwith, read the third time and passed, and ordered forthwith to the Senate—yeas 82, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Bowdon, Bradford, Caldwell, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davidson, Dawson, Dolive, Evans, Fonville, Foshée, Foster of Barbour, Foster of Macon, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Massey, Molett, Muldon, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—82.

## SPECIAL ORDER.

The House proceeded to the consideration of the bill—

H. B. 564. To reduce the rate of taxation in this State ;

The question pending being the amendment offered by Mr. Cochrane to the amendment reported by the committee on ways and means.

Mr. Woolf moved to insert "seven-tenths."

Mr. Betts called for the previous question.

The main question was ordered to be put.

The vote being first taken on striking out.

Carried.

Yeas 51, nays 39.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Barnett, Billingslea, Boykin, Bradford, Brooks, Caldwell, Cochrane, Cooper, Clark of Mobile, Dolive, Foster of Barbour, Foster of Macon, Griggs, Haigler, Hand, Huey, Hutto, James, Jolley, Kirkpatrick, Lawson, Lee, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCarron, Nettles, Nicholson, Pitts, Purifoy, Ralls, Ramsey, Riley, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Walker, Waller, Willett, Williams, Wood, Woolf—51.

Nays—Messrs. Alexander, Ash, Bailey, Betts, Boger, Bowdon, Curtis, Clark of Lawrence, Critcher, Crutcher, Dark, Davidson, Dawson, English, Evans, Fonville, Foshee, Fletcher, Gilbert, Hearn, Heacock, Hughes, Jack, Kennedy, Lawrence, Lee, Legg, McIlwain, Owens, Patton, Pearson, Reynolds, Rushing, Sanders of Lamar, Saunders of Madison, Sheid, Steele, Stribling, Thompson, Winn—39.

The chair decided that the next question to be put was, on inserting "seven-tenths."

Mr. Bowdon appealed from the decision of the chair.

The question being—

Shall the decision of the chair stand as the decision of the House?

Was decided in the affirmative.

The amendment to insert "seven-tenths" was adopted—yeas 47, nays 46.

Yeas—Messrs. Speaker, Armstrong, Barnett, Billingslea, Boykin, Bradford, Brooks, Caldwell, Cooper, Culver, Clark of Mobile, Dolive, Foster of Barbour, Foster of Macon, Griggs, Haigler, Hand, Huey, James, Jolley, Kirkpatrick, Lawson, Lee, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCarron, Nicholson, Pitts, Purifoy, Ralls, Ramsey, Riley,

Sharpe, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Taylor of Choctaw, Walker, Waller, Willett, Williams, Wood, Woolf—47.

Nays—Messrs. Akers of Jefferson, Akers of Marion, Alexander, Ash, Bailey, Betts, Boger, Bowdon, Cochrane, Curtis, Clark of Conecuh, Clark of Lawrence, Critcher, Crutcher, Dark, Davidson, Dawson, English, Evans, Fonville, Foshee, Fletcher, Gilbert, Hearn, Heacock, Hughes, Hutto, Jack, Kennedy, Lawrence, Legg, McIlwain, Nettles, Owens, Patton, Pearson, Reynolds, Rushing, Sanders of Lamar, Saunders of Madison, Sheid, Steele, Stribling, Taylor of Lauderdale, Thompson, Winn—46.

The amendment, as amended, was adopted.

Mr. Clopton moved to amend by additional sections, as sections 2, 3 and 4.

Mr. Sheid moved to amend the amendment by providing for a penalty for probate judges who fail to comply with the requirements of the act.

Lost.

The amendment of Mr. Clopton was adopted.

The title was amended so as to read: An act to fix the rate of taxation in this State.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 68, nays 23.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Bailey, Barnett, Billingslea, Boykin, Bradford, Brooks, Caldwell, Cooper, Culver, Clark of Lawrence, Clark of Mobile, Crutcher, Davidson, Dawson, Dolive, Fonville, Foster of Barbour, Foster of Macon, Fletcher, Griggs, Haigler, Hand, Hearn, Hughes, Huey, James, Jolley, Kennedy, Kirkpatrick, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molette, Muldon, McCarron, Nettles, Nicholson, Patton, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Taylor of Choctaw, Taylor of Lauderdale, Walker, Waller, Willett, Williams, Wood, Woolf, Winn.

Nays—Messrs. Alexander, Ash, Betts, Boger, Bowdon, Cochrane, Curtis, Clark of Conecuh, Dark, English, Foshee, Gilbert, Heacock, Lawrence, McIlwain, Owens, Pearson, Sanders of Madison, Sheid, Steele, Stribling and Thompson.

Mr. Woolf moved to reconsider the vote just taken, and to lay that motion on the table.

The latter motion was agreed to.

## MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,  
Montgomery, Ala., Feb. 4, 1879.

*Mr. Speaker :*

The governor has approved the following bills, which originated in the House :

H. B. 686. To regulate the mode of election of county commissioners for the county of Marion, and to establish district lines in said county ;

H. B. 461. To amend an act entitled an act to authorize and empower the court of county commissioners of Barbour county to compromise and settle the bonded indebtedness of said county, incurred for stock subscribed by said county to the Vicksburg and Brunswick railroad company, approved February 6, 1877 ;

H. B. 215. To repeal an act, approved January 30, 1877, to regulate and define the line between the counties of DeKalb and Marshall ;

H. B. 212. To regulate the publication of legal notices in the counties of Lamar and Fayette ;

H. B. 509. For the relief of Mrs. Margaret A. Johnson of Perry county ;

H. B. 497. To change and to prescribe the time of holding the chancery courts for the counties of Shelby, Calhoun, Ogleburne, Clay and Randolph ;

H. B. 553. For the relief of S. A. Dauphin, tax collector of Covington county ;

H. B. 412. To amend section three of an act to incorporate Ivey Creek Academy, in the county of Autauga ;

H. B. 405. To repeal an act to regulate the letting of contracts for public works in the county of Sumter, approved February 5, 1877 ;

H. B. 493. For the relief of J. N. Blanton of Pickens county ;

H. B. 395. To authorize the auditor to draw his warrant in favor of N. J. and C. G. Sanford ;

Also,

Joint resolution authorizing the secretary of State to sell certain articles.

And also instructs me to present a message herewith in writing.

Very respectfully,

THOS. H. REYNOLDS,  
Recording Secretary.

The message of the governor is as follows :

EXECUTIVE DEPARTMENT,  
MONTGOMERY, Feb. 4, 1879.

*Gentlemen of the House of Representatives :*

I have the honor to submit herewith, for your information and consideration, a communication from Mr. Leroy F. Box, superintendent of education, and the accompanying papers, concerning lands in Louisiana and Arkansas, selected under the act of Congress, approved July 4, 1836; and the amendatory acts of February 26, 1845, March 3, 1847, February 26, 1849, and January 25, 1853, as indemnity for the 16th sections of townships lying within the Chickasaw cession in Alabama.

R. W. COBB, Governor

On motion of Mr. Steele, the message and accompanying documents,

Were referred to a select committee, consisting of the members from Franklin, Colbert and Marion counties.

SECOND SPECIAL ORDER.

The House next proceeded to the consideration of the bill—

H. B. 356. To amend subdivision 8, of section 358, of the Code of Alabama.

The question pending being the substitute reported by the committee on ways and means.

Mr. Ralls moved to amend the substitute by striking out the words "one yoke of oxen, one horse, and one mule."

Mr. Foster of Barbour, moved to lay the bill and amendments on the table.

Lost.

Yeas 28, nays 58.

Yeas—Messrs. Bailey, Barnett, Billingslea, Bradford, Caldwell, Cooper, Culver, Foster of Barbour, Haigler, Hughes, Huey, James, Jolley, Kennedy, Kirkpatrick, Lee, Lowther, Martin, Massey, Patton, Ralls, Register, Reynolds, Riley, Smith of Mobile, Waller, Wood, Woolf.

Nays—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Betts, Boger, Bowdon, Boykin, Brooks, Cochrane, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Crutcher, Dark, Davidson, Daw-

son, Dolive, Fonville, Foshee, Foster of Macon, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hutto, Jack, Lawrence, Lawson, Legg, Molett, McIlwain, Nicholson, Owens, Pearson, Pitts, Purifoy, Ralls, Ramsey, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Lowndes, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Winn.

The amendment offered by Mr. Ralls was adopted.

Mr. Akers of Jefferson, moved to amend by striking out all exemptions, and inserting "to the value of one hundred and fifty dollars, to be taken from the assessment of personal property exclusively."

Mr. Sharpe offered a substitute for the amendment making the exemption \$250.00, instead of \$150.00.

Mr. Cochrane moved to indefinitely postpone the further consideration of the bill and amendments.

Yeas 35, nays 49.

Yeas—Messrs. Boykin, Bradford, Caldwell, Cochrane, Cooper, Culver, Clark of Mobile, Foster of Barbour, Haigler, Hughes, Huey, James, Jolley, Kennedy, Kirkpatrick, Lawson, Lee, Lowther, Lyons, Martin, Massey, Molett, Muldon, Nettles, Nicholson, Purifoy, Reynolds, Riley, Smith of Autauga, Smith of Lowndes, Stribling, Taylor of Lauderdale, Thompson, Waller, Willett.

Nays—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Brooks, Curtis, Clark of Conecuh, Clark of Lawrence, Critcher, Crutcher, Dark, Davidson, Dolive, Fonville, Foshee, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hutto, Jack, Lawrence, Legg, McIlwain, Patton, Pearson, Pitts, Ralls, Register, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Mobile, Steele, Walker, Williams, Woolf, Winn.

Pending the consideration of the amendment of Mr. Sharpe—

By leave, bills were introduced :

By Mr. Woolf (by request)—

H. B. 856. For the relief of J. Kohn & Bro., of the city of Montgomery.

By Mr. Boykin—

H. B. 857. To authorize the redemption of lands sold for taxes and purchased by the State.

By Mr. Jack—

H. B. 858. To authorize the clerk of the circuit court of

Franklin county to record deeds, mortgages and liens in said county.

By Mr. Register—

H. B. 859. To authorize the people of Geneva county to vote upon the question of removing the county seat of said county.

Also,

H. B. 860. To repeal an act to establish a charter for the town of Geneva, approved March 4, 1875.

Also,

H. B. 861. To amend an act to prescribe additional duties for the treasurer of Geneva county.

By Mr. Akers of Jefferson—

H. B. 862. To better protect the interest of vendors of goods against dishonest merchants.

By Mr. Muldon—

H. B. 863. To authorize the governor to appoint commissioners to examine the revenue laws of the several States, and report a new revenue system to the next General Assembly,

Which bills were severally read once and ordered to a second reading on to-morrow.

Mr. Boykin, by leave, introduced

A memorial to the Congress of the United States asking the attention of that body to the financial distress pervading the country.

Pending the consideration of the memorial,

The House, on motion of Mr. Ralls, took a recess until 4. P. M.

#### EVENING SESSION.

The House reassembled at the hour of 4 P. M., and proceeded to the consideration of the bill—

H. B. 356. To amend sub-division 8 of section 358 of the Code.

The question pending being the amendment of Mr. Sharpe,  
On motion of Mr. Boykin,

The bill, with the amendments, were re-committed to a select committee of five, with instructions to report at 12 m. to-morrow.

Amendments were offered by consent and referred with the bill to the committee.

Committee: Messrs. Boykin, Sharpe, Akers of Jefferson, Akers of Marion, and Alexander.



The House then, on motion of Mr. Betts, proceeded to the consideration of the governor's veto message upon the bill—  
H. B. 374. To authorize and require the auditor to pay over to the several counties their respective shares of the money received for tax lands transferred by him.

The question, "Shall the bill pass, the veto of the governor to the contrary notwithstanding," was put, and decided in the affirmative.

Yeas 60, nays 20.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Ash, Barnett, Betts, Boger, Boykin, Bradford, Caldwell, Cochrane, Cooper, Culver, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davidson, Dawson, Fonville, Foshee, Foster of Barbour, Fletcher, Gilbert, Haigler, Hand, Hearn, Hughes, Huey, Jack, James, Jolley, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Nettles, Nicholson, Patton, Purifoy, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sheid, Smith of Lowndes, Taylor of Choctaw, Thompson, Waller, Willett, Wood, Wolf, Winn—60.

Nays—Messrs. Akers of Jefferson, Brooks, Foster of Macon, Griggs, Heacock, Hutto, Kennedy, Muldon, McCarron, McIlwain, Pitts, Ralls, Ramsey, Sharpe, Smith of Mobile, Steele, Stribling, Taylor of Lauderdale, Walker and Williams—20.

The House, on motion of Mr. Waller, proceeded to the consideration of the bill—

H. B. 538. For the better enforcement of contracts.

The question pending being the amendment by Mr. Lyons to the substitute proposed by Mr. Taylor of Choctaw.

The amendment was lost.

By unanimous consent of the House,

Mr. Taylor of Choctaw withdrew the substitute before the House and offered another in its stead.

On motion of Mr. Akers of Jefferson,

The bill and amendments were laid on the table.

By leave,

Mr. Boykin, from the committee on appropriations, reported favorably, with amendments, to the bill—

H. B. 683. To make appropriations for the fiscal years ending September 30, 1879, and September 30, 1880.

The bill was considered by sub-divisions.

Sub-divisions 1, 2, 3, 4, 5 and 6 were adopted.

Mr. Boykin, for the committee, moved to strike out "twelve hundred," and insert "one thousand" in sub-division 7, so as

to appropriate one thousand dollars for each year for the compensation of the recording secretary.

The amendment was adopted.

On motion of Mr. Boykin (for the committee), sub-division 8 was stricken out. [Appropriates \$150 for each year to the keeper of the capitol.]

Mr. Lawrence moved to amend sub-division 9 by striking out "three hundred dollars" (compensation of messenger in the executive office) and inserting "two hundred and fifty dollars."

Mr. Waller moved to insert "one hundred and fifty dollars."

Mr. Stribling moved to lay the amendment on the table.

Lost.

The largest number being first put was adopted,

And the amendment of Mr. Lawrence, appropriating two hundred and fifty dollars, for the messenger, was adopted.

Sub-division 9, as amended, was adopted.

Mr. Akers of Jefferson moved to amend sub-division 10 by striking out "fifteen hundred dollars" (compensation of the clerk in the auditor's office) and inserting "twelve hundred dollars."

Mr. McCarron moved to lay the amendment on the table.

Lost.

Yeas 32, nays 53.

Yeas—Messrs. Speaker, Barnett, Bradford, Brooks, Caldwell, Culver, Clark of Mobile, Dawson, Dolive, Foster of Barbour, Foster of Macon, Hsigler, James, Jolley, Kirkpatrick, Lawson, Lowther Lyons, Martin, Molett, Muldon, McCarron, Nicholson, Ramsey, Riley, Smith of Lowndes, Smith of M., Stribling, Taylor of Choctaw, Taylor of Lauderdale, Woolf, Winn.

Nays—Messrs. Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Betts, Boger, Bowdon, Boykin, Cochrane, Cooper, Curtis, Critcher, Crutcher, Dark, Davidson, Fonville, Foshee, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Kennedy, Lawrence, Lee, Legg, Massey, McIlwain, Nettles, Patton, Pearson, Pitts, Purifoy, Ralls, Reynolds, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Steele, Thompson, Walker, Waller, Willett, Williams, Wood.

By leave,

Mr. Akers of Jefferson withdrew the amendment.

Sub-divisions 10, 11, 12, 13, 14 and 15 were adopted.

Mr. Boykin (for the committee) moved to amend sub-division 16 (compensation of marshal of supreme court) by

striking out two thousand dollars for each year, and inserting fifteen hundred dollars for each year.

The amendment was adopted.

Sub-division 16, as amended, was adopted.

Sub-divisions 17, 18, 19, 20 and 21 were adopted.

Mr. Waller moved to amend sub-division 22 by striking out three thousand dollars for each year for lights and fuel, and inserting "fifteen hundred dollars for the present year and twelve hundred dollars for the next year."

The amendment was adopted.

And sub-division 22, as amended, was adopted.

Mr. Boykin (for the committee) moved to amend sub-division 23 so that it will read: "For compensation of two watchmen in the State capitol eighteen hundred dollars, and three servants in the executive offices four hundred and fifty dollars, twenty-two hundred and fifty dollars for each year—in all forty-five hundred dollars."

Mr. Lawrence moved to amend by inserting \$1200 in lieu of \$1800, and \$750 in lieu of \$450.

Lost.

And the amendment of the committee was adopted.

Sub-division 23, as amended, was adopted.

Sub-divisions 24, 25 and 26 were adopted.

Mr. Boykin, for the committee, moved to strike out sub-divisions 27, 28 and 29.

Agreed to.

Mr. Boykin, for the committee, moved to amend sub-division 26 (geological surveys) by striking out "five" where it occurs and inserting "seven."

Also,

Strike out "seven" where it occurs and insert "five."

The amendment was adopted.

And sub-division 30, as amended, was adopted.

Sub-divisions 31 and 32 were adopted.

Mr. Boykin moved to strike out sub-division 33, (carrying convicts to the penitentiary.)

Agreed to.

Sub-divisions 34, 35, 36 and 37 were adopted.

Mr. Woolf moved to amend by adding the following proviso, to come in at the close of sub-division 39:

Provided, That the appropriations in the bill to organize and regulate a system of public instruction in this State, passed at this session, shall not be so construed, as in addition to the appropriations herein made, for the public schools

and to pay the interest on the 16th section and other funds for public schools.

Adopted.

Sub-divisions 38 and 39, as amended, were adopted.

Mr. Boykin moved to amend sub-division 40 by adding, "and for compensation of the clerk in the superintendent's office, \$1500 for each year."

Agreed to.

Sub-division 40, as amended, was adopted.

Sub-division 41 was adopted.

Mr. Huey moved to amend sub-division 42 (appropriates \$18,000 for each year to the Asylum for the Deaf, Dumb and Blind) by striking out \$18,000 and inserting \$12,500.

Pending its consideration—

By leave,

Mr. Clark of Mobile introduced a bill—

H. B. 864. To secure the selection of competent jurors and juries in the State of Alabama,

Which was read once and ordered to a second reading on to-morrow.

Leave of absence was granted—

To Mr. Massey for one day.

Mr. Williams moved—

That the further consideration of the appropriation bill be postponed and made the special order for to-morrow morning immediately after the journal is read.

Agreed to.

The Speaker announced the following special committees:

On House bills 850 and 851—

Messrs. Griggs, Pearson and Rushing.

On the joint resolution upon adjournment, &c.—

Messrs. Williams, Smith of Mobile, Walker, Lawrence and Hand.

On motion of Mr. Williams, the House adjourned till to-morrow morning 10 o'clock.

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## FORTY-THIRD DAY.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, February 5, 1879.

House met pursuant to adjournment:

Prayer by Rev. Mr. Hughes, of the House.

On the call of the roll, the following members answered to their names :

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Boykin, Bradford, Brooks, Caldwell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davidson, Dolive, English, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Martin, Molett, Muldon, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—86.

Journal of yesterday read and approved.

Leave of absence was granted Mr. Evans for to-day.

By leave—

Mr. Foster of Barbour introduced a bill—

H. B. 865. To authorize and empower the city of Eufaula to levy and collect license taxes upon any business, occupation, avocation, or employment that may be carried on within its corporate limits.

Which was read once and ordered to a second reading on to-morrow.

Mr. Taylor of Lauderdale, from the committee on local legislation,

Reported back to the House the House bill No. 590, and asked its reference to the committee on temperance.

Also,

Reported back the House bill 744, and asked its reference to the committee on education:

So ordered.

#### ENROLLED BILLS SIGNED.

Mr. Fletcher, from the committee on enrolled bills, reported as correctly enrolled the following bills, and the speaker, in the presence of the House, immediately after the titles had been publicly read, signed said bills:

H. B. 369. To ratify the agreement made by and between William Lee, as county superintendent of education of Chil-

ton county, and J. O. Smith, one of the sureties of L. W. Frazer, late county superintendent of education of said county.

H. B. 423. To authorize the board of directors of the State Normal School and University for the Colored Race, at Marion, Perry county, to appropriate and expend certain educational funds in their hands to the repairing, improving and enlarging of the buildings of said normal school and university.

H. B. 15. To organize and regulate a system of public instruction for the State of Alabama.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,

February 5, 1879.

*Mr. Speaker :*

The President of the Senate having signed the following bill, your signature is requested :

s. 4. To prevent the taking or using temporarily certain personal property, without the consent or assent of the owner, or person having the control thereof.

W. L. CLAY,

Secretary of Senate.

And the Speaker, in the presence of the House, immediately after its title had been publicly read, signed said bill.

#### MESSAGES FROM THE SENATE.

SENATE CHAMBER,

February 5, 1879.

*Mr. Speaker :*

The Senate has amended, as herein shown, and passed the following House bills :

H. B. 237. To increase the criminal jurisdiction of justices of the peace in the counties of Limestone, Butler, Marion, DeKalb and Marshall.

H. B. 438. To authorize an election for changing the county seat of Washington county.

And has passed the following House bills :

H. B. 568. To provide for the adjustment, compromise and payment of the bonds issued by Dallas county to the New Orleans & Selma railroad company and immigration association.

H. B. 279. To prohibit camp-hunting in the county of Washington.

H. B. 229. To repeal an act to abolish the office of tax collector in the counties of Baldwin, Escambia and Sanford, so far as the same relates to Escambia county.

H. B. 206. To authorize the people of Marion county to vote on the question of removing the county seat of said county, and to permanently locate the same.

H. B. 345. To establish a new charter for the town of Cullman.

H. B. 372. To repeal an act to restrain the powers of the commissioners' court of Coffee county.

H. B. 239. To amend section 1259 of the Code.

And has originated and passed the following bills—

s. 368. Memorial of the General Assembly of Alabama to the Congress of the United States, relative to the permanent improvement of the Tennessee and Coosa rivers, and the construction of a canal between them.

s. 284. To authorize the county superintendent of Lee county to pay a certain debt contracted by the trustees of the public schools of the city of Opelika.

s. 170. For the relief of E. M. Grimmer, of Dale county.

s. 345. For the relief of township 2, range 2, east, Madison county.

s. 342. To prevent the sale, giving away, or otherwise disposing of spirituous liquors within two and a half miles of the Methodist church in the town of DeArmonville, in the county of Calhoun.

s. 362. To fix the times of holding the circuit courts in the second judicial circuit.

s. 363. To expedite the publication of the supreme court reports.

s. 361. To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors within the village of Garland, Butler county, or within two miles thereof.

And has adopted joint resolution—

*Resolved by the Senate* (the House of Representatives concurring), That this General Assembly adjourn *sine die* on Thursday, the 13th February, 1879, at 5 o'clock P. M.

W. L. CLAY,  
Secretary of Senate.

The Senate bills just received, the titles of which are set out in the above message (s, 368, s. 284, s. 170, s. 345, s. 342, s. 362, s. 363, s. 361)—

Were severally read once and ordered to a second reading on to-morrow.

Mr. Taylor of Lauderdale, from select committee, reported a substitute for the bill—

H. B. 585. To amend sections 1949, 1952, 1959, 1971, 1975, and to repeal 1984, 1935 of the Code of Alabama, relating to free banking corporations.

The substitute was adopted—

And the bill ordered to a third reading forthwith, read the third time and passed.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion Alexander, Armstrong, Ash, Barnett, Betts, Boger, Bowdon, Bradford, Brooks, Caldwell, Cochran, Cooper, Culver, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davidson, Dawson, Fonville, Foster of Barbour, Foster of Macon, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Martin, Molett, McCarron, Nettles, Nicholson, Owens, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—79.

By leave,

Mr. Betts, from the committee on ways and means, reported a substitute for the bill—

H. B. 294. To provide for the sale of lands for delinquent taxes;

And, on his motion, the bill and substitute were laid on the table, and 150 copies of the substitute was ordered printed.

#### SPECIAL ORDER.

The House then proceeded to the consideration of the bill—

H. B. 683. To make appropriations for the fiscal years ending September 30, 1879, and September 30, 1880;

The question pending being the amendment of Mr. Huey.

Mr. Lyons moved to lay the amendment on the table.

Lost.

Mr. Foster called for the previous question on the adoption of the amendment.

The main question was ordered,



And the amendment of Mr. Huey was adopted—yeas 55, nays 34.

Yeas—Messrs. Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Boykin, Caldwell, Cochran, Cooper, Culver, Curtis, Clark of Conecuh, Critcher, Crutcher, Dark, Davidson, Dawson, Dolive, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hearn, Hughes, Huey, Jack, Kirkpatrick, Lee, Legg, Lowther, Molett, Mellwain, Nettles, Nicholson, Owens, Patton, Pearson, Purifoy, Ralls, Ramsey, Register, Reynolds, Rushing, Sanders of Lamar, Saunders of Madison, Sheid, Smith of Lowndes, Willett, Wood, Winn—55.

Nays—Messrs. Speaker, Boger, Bowdon, Bradford, Brooks, Clark of Lawrence, Clark of Mobile, Foster of Barbour, Foster of Macon, Hand, Heacock, Hutto, James, Jolley, Kennedy, Lawrence, Lawson, Lyons, Martin, McCarron, Pitts, Riley, Sharpe, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Williams, Woolf—34.

Mr. Huey moved to reconsider the vote first taken and to lay that motion on the table.

The latter motion was agreed to.

Subdivision 42, as amended, was then adopted.

Mr. Boykin moved to amend subdivision 43 (interest on public debt) by making the annual appropriation \$255,000 instead of \$250,000.

Adopted.

Subdivision 43 was adopted.

Mr. Boykin moved to strike out subdivision 44.

Adopted.

Subdivision 45 was adopted.

Mr. Foster of Macon moved to reconsider the vote by which \$1,000 was appropriated for the salary of the recording secretary.

Lost.

Mr. Martin moved to reconsider the vote by which the compensation of the messenger was reduced from \$300 to \$250.

Agreed to.

The question recurring on the adoption of the amendment, It was lost;

And the compensation of the messenger was fixed at \$300 annually.

Mr. Clopton (Mr. Woolf in the chair) moved to amend by additional section as section 3.

Adopted.

The subdivision of section 1 were renumbered ;

And the bill was then ordered to a third reading forthwith, read the third time, and passed—yeas 81, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Betts, Boger, Bowdon, Boykin, Bradford, Caldwell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Crutcher, Dark, Davidson, Dawson, Dolive, English, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Molett, McCarron, McDougald, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—81.

Mr. Critcher voted nay.

The House then proceeded to the consideration of the bill known as the Moffett liquor law—

H. B. 64. Imposing a tax and prescribing the mode of collecting the same, &c.

The question pending being the substitute reported by the select committee.

Mr. Foster of Barbour moved to indefinitely postpone the bill and substitute,

Which was agreed to—

Yeas 58, nays 28.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Ash, Bailey, Barnett, Betts, Bowdon, Boykin, Bradford, Brooks, Cochrane, Curtis, Clark of Lawrence, Critcher, Crutcher, Dark, Davidson, Dawson, Dolive, Foshee, Foster of Barbour, Foster of Macon, Gilbert, Griggs, Haigler, Hearn, Hughes, Huey, Hutto, Jack, Jolley, Kirkpatrick, Legg, Lyons, Martin, Muldon, McCarron, McIlwain, Nettles, Owens, Pearson, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Wood.

Nays—Messrs. Akers of Jefferson, Armstrong, Boger, Caldwell, Cooper, Culver, English, Fuller, Hand, Heacock, Kennedy, Lawrence, Lawson, Lee, Lowther, Molett, Nichol-

son, Patton, Pitts, Purifoy, Ralls, Smith of Lowndes, Walker, Waller, Willett, Williams, Woolf, Winn.

Mr. Foster of Barbour moved to reconsider the vote just taken and to lay that motion on the table.

The latter motion was agreed to.

The next business before the House was the consideration of the bill—

H. B. 751. To amend subdivisions 2 and 3 of section 494 of the Code.

On motion of Mr. Nicholson,

The further consideration of the bill was indefinitely postponed.

Mr. Boykin, from select committee, reported a substitute for the bill—

H. B. 356. To amend subdivision eight of section 358 of the Code.

The substitute was adopted.

Mr. Stribling moved to lay the bill on the table.

Lost.

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 48, nays 34.

Yeas—Messrs. Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Boger, Boykin, Brooks, Clark of Mobile, Critcher, Crutcher, Davidson, Dawson, Dolive, English, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Heacock, Hutto, Jack, Lawrence, Legg, Lyons, Molett, Muldon, McCarron, Nettles, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Mobile, Steele, Walker, Waller, Williams.

Nays—Messrs. Speaker, Barnett, Bradford, Caldwell, Cochran, Cooper, Culver, Curtis, Clark of Conecuh, Dark, Foshee, Foster of Barbour, Haigler, Hughes, Huey, Kennedy, Kirkpatrick, Lawson, Lee, Lowther, Nicholson, Owens, Register, Reynolds, Riley, Rushing, Smith of Lowndes, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Willett, Woolf, Winn.

On motion of Mr. Smith of Mobile, the third reading of the bill—

H. B. 698. To incorporate the Port of Mobile, &c.,

Was made the first business in order after the re-assembling of the House this evening.

By leave,

Mr. Taylor of Choctaw offered the following resolution, which was adopted :

*Resolved*, That the judiciary committee shall have the floor to make report on bills of a general character acted on immediately upon the meeting of the House in afternoon session to-morrow, unless said committee shall have previously obtained the floor, and in either event the said committee shall retain the floor until the bills on hand have been disposed of.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,  
Montgomery, Ala., Feb. 5, 1879.

*Mr. Speaker:*

The Governor has approved the following bills, which originated in the House :

H. B. 369. To ratify the agreement made by and between William Lee as county superintendent of education of Chilton county, and J. O. Smith, one of the sureties of L. W. Frazer, late county superintendent of education of said county ;

H. B. 423. To authorize the board of directors of the State Normal School and University for the colored race at Marion, Perry county, to appropriate and expend certain educational funds in their hands to the repairing, improving and enlarging of the buildings of said Normal School and University.

Respectfully,

THOS. H. REYNOLDS,  
Recording Secretary.

On motion of Mr. Taylor of Choctaw, the House took a recess until 4 P. M.

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AFTERNOON SESSION.

The House re-assembled at the hour of 4 P. M.

By leave,

Mr. Waller offered the following resolution, which was adopted :

*Resolved*, That this House hold night sessions, to-night and Friday night, to consider local bills.

The bill—

H. B. 698. To incorporate the Port of Mobile and to provide for the government thereof,

Was then read the third time and passed—yeas 72, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bradford, Cochran, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Dark, Davidson, Dawson, Dolive, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Heacock, Hughes, Hutto, Jack, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Martin, Muldon, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,

February 5, 1879.

*Mr. Speaker :*

The Senate has originated and passed the following bill and ordered it sent to the House without engrossment :

s. 308. To authorize an investigation of the claim of the sureties of L. M. Stiff, late receiver of public moneys at Centre, in Cherokee, against the State and the payment thereof, if found to be a valid and legal obligation against the State.

W. L. CLAY,  
Secretary of Senate.

The Senate bill just received, (s. 308)—

Was read once and ordered to a second reading on tomorrow.

Mr. Smith of Mobile, from select committee, reported favorably, with amendment, to the bill—

H. B. 710. To establish an inferior court of criminal jurisdiction for the county of Mobile, and to define the jurisdiction of said court, and the criminal jurisdiction of the justices of the peace in said county.

Amend—

On page 8, line 10, in section 14, after the word "monthly," insert "and the said marshal or deputy marshal may be suspended, removed or fined for misfeasance in office : Provided,

that in any case where he or they may be fined, the said marshal or deputy marshal shall have the right of appeal therefrom to the city or circuit court of Mobile county."

The amendment was adopted, and

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 74, nays 1.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davidson, Dawson, Dolive, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Heacock, Hughes, Jack, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Muldon, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of M., Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—74.

Mr. Clark of Lawrence voted nay.

#### BILLS ON SECOND READING.

The bill—

H. B. 852. To regulate the time of holding the circuit courts of the 5th judicial circuit of Alabama—

Was read the second time and referred to the select joint committee on judicial circuits.

The bills—

H. B. 858. To authorize the clerk of the circuit court of Franklin county to record deeds, mortgages and liens in said county;

H. B. 864. To ensure the selection of competent jurors and juries in the State of Alabama;

H. B. 862. To better protect the interest of the vendors of goods against dishonest merchants;

And the Senate bill—

s. 291. To fix the time of holding the circuit courts of the eighth judicial circuit of Alabama—

Were severally read the second time and referred to the judiciary committee.

The bills—

H. B. 854. To amend section 369 of the Code;

H. B. 857. To authorize the redemption of lands sold for taxes and purchased by the State;

H. B. 856. For the relief of J. Kohn & Bro., of Montgomery ;

H. B. 861. To amend an act to prescribe additional duties for the treasurer of Geneva county—

Were severally read the second time and referred to the committee on ways and means.

The bills—

H. B. 855. To prohibit camp-hunting in Wilcox county ;

H. B. 859. To authorize the people of Geneva county to vote upon the question of removing the county seat of said county—

Were severally read the second time and referred to the committee on local legislation.

The bills—

H. B. 853. To amend section 1921 of the Code of Alabama;

H. B. 860. To repeal an act to establish a charter for the town of Geneva, approved March 4, 1875 ;

And the Senate bill—

s. 226. To amend section 1821 of the Code—

Were severally read the second time and referred to the committee on corporations.

The Senate bills—

s. 278. To provide for printing and distributing the report of the State geologist, and for color plates, and for printing the maps of the counties of Fayette, Marion, Winston and Walker, which accompany said report ;

s. 279. To establish a normal school at Fayetteville, in Fayette county ;

s. 259. To establish a separate school district, to be known as New Market district, in Madison county—

Were severally read the second time and referred to the committee on education.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,

Feb. 5, 1879.

*Mr. Speaker :*

The Senate has originated and passed the following bills, and ordered them to be sent to the House without engrossment :

s. 20. To amend sections 4872, 4874, 4878 and 4880 of the Code.

s. 349. To amend section 4731 of the Code (relates to hard labor for costs).

W. L. CLAY,  
Secretary of Senate.

The Senate bills just received, their titles being set out in the above message (s. 20, s. 349)—

Were severally read once and ordered to a second reading on to-morrow.

The memorial to the Congress of the United States, asking the attention of that body to the financial distress pervading the country—

Was then taken up, and

On motion of Mr. Stribling, was laid on the table—yeas 37, nays 34.

Yeas—Messrs. Akers of Jefferson, Alexander, Billingslea, Brooks, Caldwell, Cochrane, Culver, Clark of Mobile, Dark, Dawson, Fonville, Foster of Barbour, Foster of Macon, Fuller, Griggs, Haigler, Hand, Hughes, Hutto, James, Jolley, Kennedy, Lawson, Lowther, Lyons, McCarron, Patton, Pearson, Ramsey, Riley, Sharpe, Smith of Mobile, Stribling, Taylor of Choctaw, Thompson, Willett, Woolf—37.

Nays—Messrs. Speaker, Akers of Marion, Armstrong, Ash, Betts, Boger, Bradford, Curtis, Clark of Lawrence, Lee, Legg, McIlwain, Nicholson, Owens, Purifoy, Ralls, Reynolds, Sanders of Lamar, Saunders of Madison, Sheid, Taylor of Lauderdale, Walker, Waller, Wood, Winn—34.

Mr. Betts, from the committee on ways and means, reported a substitute for the bill—

H.B. 442. To amend section 413 of the Code of Alabama. The substitute was adopted, and

The bill was ordered to a third reading forthwith, read the third time, and passed yeas 74, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Bowdon, Boykin, Bradford, Caldwell, Cochrane, Cooper, Curtis, Clark of Mobile, Crutcher, Dark, Davidson, Dawson, Dolive, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Heacock, Hughes, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Molett, McCarron, Nicholson, Owens, Patton, Pearson, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes,



Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Wood, Woolf, Winn—74.

Also, from same committee, reported favorably, with amendment, to the Senate bill—

s. 140. To provide for summary judgments in favor of the auditor against delinquent tax collectors and judges of probate.

First amendment—

Amend section 1 by restoring to said section the words "in the circuit or city court held at the seat of government, or."

Second amendment—

Strike out the proviso added to section 4.

Mr. Martin called for the previous question on the amendments.

The main question was ordered to be put.

The first amendment was lost.

On motion of Mr. Foster of Barbour, the bills—

H. B. 515. For the relief of the Perdido bay lumber company;

H. B. 396. To further regulate the recovery, &c., of the swamp and overflowed lands—

Were made the special order for to-morrow, to be taken up immediately after the journal is read.

Pending the consideration of the second amendment to the Senate bill s. 140—

On motion of Mr. Armstrong, the House took a recess until 7½ P. M.

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#### NIGHT SESSION.

The House reassembled at the hour of 7½ P. M.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Culver, from the committee on temperance, reported favorably to the bill—

H. B. 508. To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors outside the limits of every incorporated town in the county of Montgomery.

Mr. Akers of Jefferson called for the previous question.

The main question was ordered to be put, and

The bill was ordered to a third reading forthwith, and read the third time.

Mr. Nicholson moved to indefinitely postpone the further consideration of the bill.

Agreed to.

Mr. Culver, from the same committee, reported a substitute for the bill—

H. B. 567. To prohibit the sale, giving away, or otherwise disposing of vinous, spirituous or malt liquors within two miles of the village of Echo, in Dale county.

The substitute was adopted.

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 70, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Boykin, Bradford, Brooks, Caldwell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Dark, Davidson, Dawson, Dolive, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Muldon, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Purifoy, Ralls, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—70.

Also, from the same committee, reported favorably to the bill—

H. B. 570. To prohibit sale, &c., of liquors within five miles of Adams Grove church, in Dallas county.

On motion of Mr. Molett, the further consideration of the bill was postponed until Friday night.

Also, from same committee, reported favorably to the bill—

H. B. 628. To prevent the sale, giving away, or otherwise disposing of spirituous, vinous, malt or other intoxicating liquors in the town of Cherokee, in Cherokee county, or within a distance of five miles thereof.

The bill was ordered to a third reading forthwith, read the third time, and passed—Yeas 70, nays 2.

Yeas—Messrs. Speaker, Akers of Jefferson, Armstrong, Bailey, Barnett, Betts, Boger, Boykin, Bradford, Brooks, Caldwell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Critcher, Crutcher, Dark, Davidson, Dawson, Dolive, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Haigler, Hand, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Lowther, Lyons, Martin, Molett, McIlwain, Nettles, Nicholson, Owens, Patton,

Pearson, Purifoy, Ralls, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—70.

Nays—Messrs. Clark of Lawrence and Griggs—2.

Also, from same committee, reported favorably to the bill—

H. B. 724. To prevent the sale of spirituous, vinous or malt liquors, or intoxicating bitters of any kind, within two miles of Sardis church, in Bullock county.

The bill was ordered to a third reading forthwith, read the third time, and passed—Yeas 69, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Boykin, Bradford, Brooks, Caldwell, Cooper, Culver, Curtis, Clark of Conecuh, Critcher, Crutcher, Dark, Davidson, Dawson, Dolive, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Haigler, Hand, Hughes, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lowther, Lyons, Martin, Molett, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Purifoy, Ralls, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—69.

Mr. Griggs voted nay.

Also, from same committee, reported favorably to the bill—

H. B. 668. To prevent the sale of vinous or spirituous liquors within three miles of Deatsville church, in Elmore county.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Boger, Boykin, Bradford, Brooks, Caldwell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Critcher, Crutcher, Dark, Davidson, Dawson, Dolive, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hughes, Hutto, Jack, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lowther, Lyons, Martin, Molett, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—70.

Also, from same committee, reported favorably to the bill—

H. B. 739. To prohibit the sale or giving away of spiritu-

ous liquors within three miles of Centre Point school-house in Montgomery county.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 72, nays 0.

Yeas—Messrs. Speaker, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Boykin, Bradford, Brooks, Caldwell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Critcher, Crutcher, Dark, Davidson, Dawson, Dolive, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hughes, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lowther, Lyons, Martin, Molett, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Purifoy, Ralls, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—72.

Also, from the same committee, reported adversely to the bill—

H. B. 605. To repeal an act to prohibit the sale of spirituous or vinous liquors within two miles, in any direction, of Glennville male and female academy, in the county of Russell, approved Dec. 19, 1871.

Mr. Martin moved not to concur in the report of the committee.

Lost.

The report of the committee was concurred in.

Also, from same committee, reported favorably to the bill—

H. B. 398. To repeal an act to prohibit the sale of spirituous or vinous liquors within two miles of the town of Mount Sterling, in Choctaw county, approved Nov. 28, 1871.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 51, nays 15.

Yeas—Messrs. Akers of Marion, Betts, Boger, Boykin, Bradford, Brooks, Caldwell, Cochrane, Culver, Clark of Conecuh, Critcher, Crutcher, Dark, Davidson, Dolive, Fonville, Griggs, Haigler, Heacock, Hughes, Hutto, Jack, James, Jolley, Kirkpatrick, Lawrence, Lawson, Lowther, Lyons, Martin, Molett, Nicholson, Owens, Pearson, Purifoy, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Thompson, Waller, Woolf, Winn—51.

Nays—Messrs. Akers of Jefferson, Ash, Fuller, Fletcher,

Hand, Kennedy, Lawrence, Legg, McIlwain, Patton, Ralls, Saunders of Madison, Willett, Williams, Wood—15.

Also, from same committee, reported favorably to the bill—  
H. B. 521. To repeal an act prohibiting the sale of spirituous liquors within two miles of the academy at Haw Ridge, in the counties of Dale and Coffee.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 60, nays 9.

Yeas—Messrs. Akers of Jefferson, Armstrong, Barnett, Betts, Boger, Boykin, Bradford, Brooks, Caldwell, Cochrane, Curtis, Clark of Conecuh, Critcher, Crutcher, Dark, Davidson, Dawson, Dolive, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Griggs, Haigler, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawson, Legg, Lowther, Lyons, Martin, Molett, McIlwain, Nettles, Nicholson, Owens, Pearson, Purifoy, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Waller, Willett, Williams, Woolf, Winn—60.

Nays—Messrs. Ash, Cooper, Hand, Lawrence, Patton, Ralls, Saunders of Madison, Walker, Wood—9.

Also, from same committee, reported favorably, with amendment, to the bill—

H. B. 208. To prohibit the manufacture, sale, giving away, or otherwise disposing of spirituous liquors in beat one in the county of Chambers.

Amend by striking out the word "manufacture."

Adopted.

Mr. Armstrong moved to amend by striking out—

"From and after the 1st of January, 1879."

Adopted.

And the bill was ordered to a third reading forthwith, read the third time and passed—yeas 64, nays 2.

Yeas—Messrs. Speaker, Akers of Jefferson, Armstrong, Barnett, Betts, Boykin, Bradford, Brooks, Caldwell, Cochrane, Cooper, Culver, Clark of Conecuh, Clark of Lawrence, Dark, Davidson, Dawson, Dolive, Foster of Barbour, Fletcher, Gilbert, Griggs, Hand, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lowther, Martin, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Purifoy, Ralls, Reynolds, Riley, Rushing, Sanders of Madison, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—64.

Nays—Messrs. Boger and Crutcher.

Also, from same committee, reported favorably to the bill—

H. B. 350. To prohibit the sale or giving away of spirituous liquors within three miles of Emory Chapel, in Pickens county, Alabama.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 68, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Armstrong, Ash, Barnett, Betts, Boger, Boykin, Bradford, Brooks, Caldwell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Crutcher, Dark, Davidson, Dawson, Dolive, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lowther, Lyons, Martin, McIlwain, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—68.

Mr. Clark of Lawrence voted nay.

Also, from the same committee, reported favorably to the bill—

H. B. 307. To prohibit the sale of intoxicating, spirituous, vinous, or malt liquors, except by druggists on the prescription of a duly licensed physician, within the limits of McKinly beat, Marengo county, Alabama.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 64, nays 1.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Ash, Barnett, Betts, Boger, Boykin, Bradford, Brooks, Caldwell, Cochrane, Cooper, Culver, Curtis, Clark of Lawrence, Clark of Mobile, Dark, Davidson, Dawson, Dolive, Foster of Barbour, Fuller, Fletcher, Gilbert, Haigler, Hand, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lowther, Martin, McIlwain, Owens, Patton, Pearson, Purifoy, Ralls, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—64.

Mr. Griggs voted nay.

Also, from the same committee, reported favorably to the bill—

H. B. 375. To prevent the sale of spirituous, vinous, or malt

liquors within three miles of Antioch church, in Lee county.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 57, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Armstrong, Ash, Barnett, Boger, Bradford, Caldwell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Dark, Davidson, Dawson, Dolive, Foster of Barbour, Fuller, Fletcher, Gilbert, Haigler, Hand, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lowther, Martin, Molett, McIlwain, Nicholson, Patton, Pearson, Purifoy, Ralls, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Wood, Woolf—57.

Mr. Griggs voted nay.

Also, from the same committee, reported favorably to the bill—

H. B. 366. To prevent the sale, giving away, or otherwise disposing of alcoholic, vinous or malt liquors, within two and a half miles of Carmel Presbyterian church, in Cherokee county.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 60, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Barnett, Boykin, Bradford, Caldwell, Cochrane, Cooper, Culver, Curtis, Clark of Lawrence, Clark of Mobile, Crutcher, Dark, Davidson, Dawson, Dolive, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lowther, Martin, McIlwain, Nicholson, Patton, Pearson, Purifoy, Ralls, Reynolds, Riley, Rushing, Sanders of Lamar, Smith of Autauga, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Wood, Woolf.

Also, from the same committee, reported a substitute for the bill—

H. B. 770. To authorize the various beats in Franklin county to vote on the sale of vinous or spirituous liquors in said beats.

Mr. Boger moved to amend by including the county of Lawrence.

The amendment was adopted.

The bill was ordered to a third reading forthwith, read the third time and passed.

Yeas 58, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Barnett, Boger, Bradford, Caldwell, Cochrane, Cooper, Culver, Curtis, Clark of Lawrence, Clark of Mobile, Crutcher, Dark, Davidson, Dawson, Dolive, English, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Heacock, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Molett, McIlwain, Nicholson, Patton, Pearson, Purifoy, Riley, Rushing, Sanders of Lamar, Sheid, Smith of Autauga, Stribling, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Wood, Woolf.

On motion of Mr. Stribling,

The House concurred in the amendment of the Senate to the bill—

H. B. 438. To regulate and authorize an election for changing the county seat of Washington county.

Yeas 59, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Barnett, Boger, Bradford, Caldwell, Cooper, Culver, Curtis, Clark of Lawrence, Clark of Mobile, Crutcher, Dark, Davidson, Dawson, Dolive, Fonville, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Heacock, Hutto, Jack, James, Jolley, Kirkpatrick, Lawrence, Lawson, Legg, Lowther, Martin, Molett, Muldon, Nicholson, Patton, Pearson, Purifoy, Ralls, Reynolds, Riley, Rushing, Sanders of Lamar, Sheid, Smith of Autauga, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Wood, Woolf.

Mr. McIlwain voting nay.

Mr. Clerk of Mobile, from select committee, reported a substitute for the bill—

H. B. 448. To organize and establish a board of immigration for the State of Alabama;

And moved that the further consideration of the report be postponed and be made the first business in order after the re-assembling of the House to-morrow evening.

Agreed to.

On motion of Mr. Ralls,

The House adjourned until to-morrow morning, 10 o'clock



## FORTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,  
Thursday, February 6, 1879.

House met pursuant to adjournment.

Prayer by Rev. Mr. Hughes of the House.

On the call of the roll, the following members answered to their names :

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Cochran, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Critcher, Dark, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—90.

Journal of yesterday read and approved.

## ENROLLED BILLS SIGNED. •

Mr. Fletcher, from the committee on enrolled bills, reported as correctly enrolled the following bills,

And the Speaker of the House, immediately after the titles had been publicly read, signed said bills—

H. B. 229. To repeal an act to abolish the office of tax collector, in the counties of Baldwin, Escambia and Sanford, so far as the same relates to Escambia county ;

H. B. 372. To repeal an act to restrain the powers of the commissioners court of Coffee county ;

H. B. 239. To amend section 1259 of the Code ;

H. B. 206. To authorize the people of Marion county to vote on the question of removing the county seat of said county, and to permanently locate the same ;

H. B. 568. To provide for the adjustment, compromise and payment of the bonds issued by Dallas county to the New Orleans and Selma railroad company, and immigration association.

MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
February 6, 1879.

*Mr. Speaker :*

The Senate has passed the following House bills :

H. B. 73. To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, within two miles of Milltown Academy, in Milltown, Chambers county, Alabama ;

H. B. 416. To provide for the conveyance of convicts to the penitentiary.

And has adopted House joint resolution,

H. B. 848. Providing for the printing biennially one thousand copies of the regular report of the trustees and officers of the Alabama Insane Hospital, and for the distribution of the same.

And has originated and passed the bills :

s. 348. To enable the corporate authorities of the town of Leighton, in the counties of Colbert and Lawrence, to more effectually secure the performance of work on the streets, alleys and drains of said town ;

s. 56. To authorize and require the governor, auditor and treasurer, to inquire into the validity of certain claims against the State of Alabama, and to report the result of their investigations to the next session of the General Assembly ;

s. 365. To fix the times, terms and places of holding the circuit courts in the several counties composing the fourth judicial circuit, as constituted by the act of the present General Assembly dividing the State into judicial circuits ;

s. 350. To amend section 4546 of the Code ;

s. 205. To require the judge of probate to keep a docket of estates of deceased persons and guardianships, on which shall be noted all orders, decrees and the issuance of all process and returns thereon in relation to such estate, or guardianship ;

s. 316. To require apportioners and overseers of roads in the counties of Fayette, Lamar and Marion, to do road service after the expiration of their terms of service as such apportioners and overseers ;

s. 303. To amend section 240 of the Code ;

s. 262. To amend section 153 of the Code of Alabama.

And has ordered the following to be sent to the House without engrossment :

s. 369. To fix the times of holding the circuit courts in the 6th judicial circuit of Alabama.

W. L. CLAY,  
Secretary of Senate.

The Senate bills just received, their titles being set out in the above message (viz: s. 369, s. 262, s. 303, s. 316, s. 205, s. 350, s. 365, s. 56, s. 348)—

Were severally read once and ordered to a second reading on to-morrow.

By leave,

Mr. Woolf, from the judiciary committee, reported without recommendation the bill—

H. B. 72. For the relief of Martin and Clark, of Calhoun county.

Mr. Woolf moved to amend by striking out "\$460.00" and inserting "\$375.00."

Adopted.

Mr. Akers of Jefferson called for the main question.

The main question was ordered,

And the bill was ordered to a third reading forthwith, read the third time, and passed—yeas 46, nays 33.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Betts, Cochrane, Cooper, Clark of Mobile, Critcher, Crutcher, Dark, Davidson, Dawson, Dolive, Foshee, Fletcher, Gilbert, Griggs, Hand, Heacock, Huey, Hutto, Jack, Kennedy, Lawrence, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Saunders of Madison, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Walker, Willett, Williams—46.

Nays—Messrs. Barnett, Billingslea, Boykin, Bradford, Caldwell, Culver, Clark of Conecuh, Fonville, Foster of Barbour, Hughes, James, Kirkpatrick, Lawson, Lee, Legg, Lowther, Lyons, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Smith of Lowndes, Thompson, Waller, Woolf, Winn—33.

Mr. Ralls moved to reconsider the vote just taken, and to lay that motion on the table.

The latter motion was agreed to.

## SPECIAL ORDER.

The House next proceeded to the consideration of the report of the committee on the swamp and overflowed lands.

Mr. Muldon moved that the report be received, and that the House proceed to the consideration of the substitute reported by the committee to

H. B. 396. Entitled an act to further regulate the securing, preservation and sales of the swamp and overflowed lands of the State;

Which was agreed to.

Mr. Foster of Macon moved to amend by way of substitute for section 3, 4, and 5, of the bill, to be numbered section 3.

Mr. Williams moved to amend the bill by way of a substitute.

The amendment of Mr. Williams was lost—yeas 31, nays 54.

Yeas—Messrs. Alexander, Boger, Cooper, Curtis, Clark of Conecuh, Critcher, Dark, Dawson, English, Fonville, Foshee, Fletcher, Hutto, Jack, Kennedy, Lawrence, Lawson, Legg, Muldon, McCane, Owens, Register, Reynolds, Rushing, Sanders of Lamar, Sharpe, Smith of Autauga, Steele, Stribling, Thompson, Williams—31.

Nays—Messrs. Speaker, Akers of Jefferson, Armstrong, Barnett, Betts, Billingslea, Boykin, Bradford, Caldwell, Cochraue, Culver, Clark of Mobile, Crutcher, Davidson, Dolive, Evans, Foster of Barbour, Foster of Macon, Fuller, Gilbert, Griggs, Haigler, Hand, Heacock, Hughes, James, Jolley, Kirkpatrick, Lee, Lowther, Lyons, Martin, Molett, McCarron, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Riley, Saunders of Madison, Sheid, Smith of Mobile, Taylor of Choctaw, Walker, Waller, Willett, Wood, Woolf, Winn—54.

The amendment of Mr. Foster of Macon was adopted.

Mr. Lawson moved to amend as follows:

1. Strike out the words "commissioner of swamp and overflowed lands," wherever they occur in the bill, and insert "governor of the State."

2. Strike out the provisos to sections 1 and 2.

3. Strike out section 6.

The amendments were severally adopted.

And the bill ordered to a third reading forthwith, read the third time, and passed—yeas 88, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Caldwell, Coch-

rane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Heacock, Hughes, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn.

On motion of Mr. Betts, the bill (and substitute thereto)—

H. B. 294. To provide for the sale of lands for delinquent taxes,

Were taken from the table,

And the consideration of the substitute was made the special order for to-morrow morning immediately after the journal is read.

On motion of Mr. Muldon, it was ordered that the bill—

H. B. 419. To authorize the redemption of lands sold for taxes and purchased by the State,

Be considered immediately after the above special order is disposed of.

The House next proceeded to the consideration of the bill—

H. R. 515. For the relief of the Perdido Bay Lumber Company,

The question pending being the amendment reported by the select committee.

The amendment was adopted,

And the bill was ordered to a third reading forthwith, read the third time, and passed—yeas 71, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Ash, Bailey, Barnett, Betts, Boger, Bradford, Caldwell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Critcher, Crutcher, Dark, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Heacock, Hughes, Huey, Hutto, Jack, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Molett, Muldon, McCane, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Riley, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Thompson, Waller, Willett, Williams, Wood, Woolf, Winn.

Leave of absence was granted—

To Mr. Davis for three days.  
On motion of Mr. Wood, the House took a recess until  
4 P. M.

AFTERNOON SESSION.

The House re-assembled at the hour of 4 P. M.,  
And proceeded to the consideration of the substitute reported by the committee on fees and salaries for the bills, H. B. 370 and 371.

The substitute entitled an act to fix the salaries of certain judicial officers.

Mr. Thompson submitted the following minority report :

*Mr. Speaker :*

The minority of the committee on fees and salaries, to whom was referred the bill to be entitled an act to amend sections of Code of Alabama (§ 615, § 580 and § 663), have had the same under consideration, and beg leave to submit a minority report, and ask that the report of the majority be not concurred in.

D. J. THOMPSON,  
J. W. FOSHEE,  
GEO. C. SAUNDERS.

Mr. Brooks moved to substitute the minority for the majority report.

Mr. Foster of Macon moved to indefinitely postpone the whole subject,

Which was lost.

Pending the consideration of the motion to substitute—

MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
Feb. 6, 1879.

*Mr. Speaker :*

The Senate has originated and passed the following bills :  
s. 127. To amend section 1630 of the Code, to exempt ministers of the gospel and teachers of schools while actually engaged in teaching, from road duty ;

s. 369. To fix the times of holding the circuit courts in the 6th judicial circuit of Alabama ;

s. 370. To fix the time of holding the circuit courts, and the time of pleading in the first judicial circuit of Alabama.

W. L. CLAY,  
Secretary.

The Senate bills just received, whose titles are set out in the above message, viz : s. 127, s. 369, s. 370,

Were read once and ordered to a second reading on to-morrow.

MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
February 6, 1879.

*Mr. Speaker:*

The Senate has originated and passed the following bills and ordered them sent to the House without engrossment:

s. 331. To provide for the issuance of registered bonds and their exchange for the coupon bonds of this State, authorized by the act approved February 23, 1876;

s. 160. To regulate licenses to sell vinous, malt or spirituous liquors in this State.

W. L. CLAY,  
Secretary of Senate.

The Senate bills just received, whose titles are set out in the above message, viz : s. 331, s. 160,

Were severally read once and ordered to a second reading on to-morrow.

The House resumed the consideration of the motion to substitute,

Which was agreed to—

Yeas 44, nays 36.

Yeas—Messrs. Akers of Jefferson, Akers of Marion, Alexander, Ash, Bailey, Betts, Boger, Brooks, Curtis, Clark of Lawrence, Critcher, Dark, Davidson, Dawson, Foshee, Fuller, Fletcher, Gilbert, Griggs, Heacock, Hughes, Huey, Hutto, Jack, Kennedy, Lawrence, Lee, Legg, McCane, McIlwain, Owens, Pearson, Pitts, Purifoy, Ralls, Register, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Steele, Thompson, Walker—44.

Nays—Messrs. Speaker, Armstrong, Barnett, Boykin, Bradford, Cochrane, Cooper, Culver, Clark of Mobile, Dolive, English, Foster of Macon, Haigler, Hand, James, Jolley, Kirkpatrick, Lawson, Lowther, Lyons, Martin, Molett, Mul-

don, McCarron, Nicholson, Patton, Reynolds, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Choctaw, Waller, Willett, Williams, Woolf—36.

The minority report was then concurred in.

Mr. Ralls moved to reconsider the vote by which the minority report was concurred in, and to lay that motion on the table.

The latter motion was agreed to.

By leave,

Mr. Register introduced a bill—

H. B. 866. To change the name of Geneva county to Gordon county ;

Which bill was read once and ordered to a second reading on to-morrow.

Mr. Willett, from the committee on fees and salaries, reported a substitute for the bill—

H. B. 299. To amend section 5030 of the Code ;

And, on his motion, the further consideration of the report was made the special order for to-morrow evening immediately after the assembling of the House.

On motion of Mr. Ralls, the House adjourned till to-morrow morning at 10 o'clock.

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## FORTY-FIFTH DAY.

### HOUSE OF REPRESENTATIVES,

FRIDAY, February 7, 1879.

The House met pursuant to adjournment.

Prayer by Rev. Dr. Davidson, of the House.

On the call of the roll, the following members answered to their names :

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cooper, Culver, Curtis, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Owens, Patton, Pitts, Purifoy,



Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—91.

Journal of yesterday read and approved.

#### ENROLLED BILLS SIGNED.

Mr. Fletcher, from the committee on enrolled bills, reported as correctly enrolled the following bills, and the Speaker, in the presence of the House, immediately after the titles had been publicly read, signed said bills:

H. B. 438. To authorize and regulate an election for changing the county seat of Washington county.

H. B. 345. To establish a new charter for the town of Cullman.

H. B. 73. To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors within two miles of Milltown academy, in Milltown, Chambers county, Alabama.

H. B. 848. Joint resolution providing for the printing, biennially, one thousand copies of the regular report of the trustees and officers of the Alabama Insane Hospital, and for the distribution of the same.

H. B. 416. To provide for the conveyance of convicts to the penitentiary.

By leave—

Mr. Woolf, from the judiciary committee, reported favorably to the bill—

H. B. 468. To confer additional jurisdiction upon the county court of Hale county, and to regulate the proceedings therein.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 75, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Ash, Betts, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Jack, James, Jolley, Kennedy, Lawrence, Lawson, Lee, Lowther, Molett, McCarron, McDougald, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe,

Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—75.

On motion of Mr. Boykin—

The committee on appropriations was granted leave to sit apart from the House a few minutes.

Mr. Taylor of Lauderdale, from the committee on local legislation, reported back to the House the bill—

H. B. 626—

And asked that it be referred to the committee on education.

So ordered.

By leave,

Mr. Woolf, from the judiciary committee, reported favorably to the bill—

H. B. 623. To abolish the court of county commissioners of Autauga county.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 69, nays 4.

Yeas—Messrs. Speaker, Alexander, Armstrong, Bailey, Betts, Bowdon, Bradford, Brooks, Caldwell, Campbell, Cochran, Cooper, Culver, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Lowther, Molett, Muldon, McCarron, McDougald, Nettles, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Wood, Woolf, Winn—69.

Nays—Messrs. Boger, Curtis, Clark of Lawrence, Steele—4.

Mr. Brooks, from special committee, reported favorably to the Senate bill—

s. 156. To fix the time of holding the circuit courts of the twelfth judicial circuit.

Mr. Alexander moved—

To amend by providing that the provisions of this act shall not take effect until after May 1, 1879.

Adopted.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 57, nays 13.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Bailey, Bowdon, Bradford, Brooks, Caldwell, Cochran, Cooper, Culver, Clark of Conecuh, Clark of Mobile, Crutcher, Fonville,

Foshee, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Jack, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Molett, Muldon, McCarron, McDougald, Nettles, Nicholson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Lowndes, Smith of Mobile, Taylor of Choctaw, Thompson, Walker, Willett, Woolf, Winn—57.

Nays—Messrs. Alexander, Betts, Boger, Campbell, Curtis, Critcher, Dark, Davidson, Dawson, Dolive, Evans, Saunders of Madison, Steele—13.

Also,

From special committee, reported favorably to the bill—  
H. B. 852. To regulate the time of holding the circuit courts in the fifth judicial circuit.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 75, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Bailey, Betts, Boger, Bowdon, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Jack, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Molett, Muldon, McDougald, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Woolf, Winn—75.

Mr. Walker, from special committee, reported favorably to the bill—

H. B. 679. To authorize the court of county commissioners for the county of Jefferson, to issue bonds of said county for an amount not exceeding twenty thousand dollars, for certain purposes therein named.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 77, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Bailey, Boger, Bowdon, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Dark, Davis, Davidson, Dawson, Dolive, English, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Heacock, Hughes, Huey, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Molett, Mul-

don, McCarron, McDougald, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Woolf, Winn—77.

By leave,

Mr. Woolf, from the judiciary committee, reported favorably to the bill—

H. B. 818. To repeal subdivisions 3, of section 651 (750), of the Code of 1876, concerning the time of holding the circuit court of Talladega county, and by amending said section to prescribe a different time for holding said court.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 73, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Bailey, Boger, Bowdon, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Heacock, Hughes, Huey, Jack, Jolley, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Molett, Muldon, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Woolf, Winn—73.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,

February 7, 1879.

*Mr. Speaker:*

The Senate has passed the House bills:

H. B. 306. To regulate the times for holding the chancery court in and for the northern chancery division of Alabama.

And has amended, as therein shown, and passed the House bills:

H. B. 399. To regulate the weighing and sampling of cotton in the counties of Montgomery, Dallas, Bullock, Calhoun and Pike;

H. B. 618. To regulate the holding of the circuit courts of Barbour county;

H. B. 619. To regulate the record of conveyances in Barbour county.

And has originated and passed the following bills:

s. 228. To amend an act to prohibit the sale of vinous, spirituous, or other intoxicating liquors, except for sacramental purposes, within five miles of the Methodist church, near Thomas H. Phillips' place, in Macon county;

s. 138. To authorize the issue of bonds of the State to the amount of one million dollars, for the purpose of paying and retiring the obligations of the State, issued under an act approved December 19, 1873, to provide for funding the domestic debt of the State;

s. 355. For the relief of P. Sanguinetti.

W. L. CLAY,  
Secretary of Senate.

The Senate bills just received, their titles being set out in the above message (s. 228, s. 138, s. 355)—

Were severally read once and ordered to a second reading on to-morrow.

#### SPECIAL ORDER.

The House next proceeded to the consideration of the bill—

H. B. 294. To provide for the sale of land and other real estate for delinquent taxes.

The question pending being the substitute reported by the committee on ways and means.

Mr. Betts moved to amend by inserting the words "of landlords" after the word "remedies," in 10th line, of section 1.

Adopted.

Mr. Betts moved to amend section 7, line 2, by inserting after the word "returned," the words "or which is made to appear that the notice provided for, or that if it is made to appear that in case of owner unknown or non-resident, the notice provided for in section 4 has been given."

Adopted.

Mr. Betts moved to amend section 10, line 16, by striking out all after the word "judge," and insert the following: "subject to sale and transfer as now provided by law in case of lands bid in for the State in the office of the auditor."

Adopted.

Mr. Woolf moved to amend section 7 by striking out all after the word "defense," in line 3, and insert: "the probate

judge of such county shall make and enter up a decree reciting the facts giving him jurisdiction under this act and make his decree of sale accordingly, which shall be signed by the judge."

Adopted.

Mr. Brooks moved to amend by way of substitute for sections 1 and 2, to be numbered sections 1 to 19 inclusive.

On motion of Mr. Boykin,

The bill and amendment was referred to a special committee of six, to consist of Messrs. Clopton, Smith of Mobile, Ralls, Betts, Nicholson, Willett and Williams.

#### SECOND SPECIAL ORDER.

The House next proceeded to the consideration of the bill—

H. B. 419. To authorize the redemption of lands or real estate sold for taxes and purchased by or in the name of the State.

The question pending being the substitute reported by the committee on ways and means.

On motion of Mr. Foster of Macon,

The bill was referred to the select committee above appointed.

By unanimous consent Mr. Waller was allowed to offer an amendment, which was referred with the bill.

#### THE BILLS ON SECOND READING.

The bill—

H. B. 865. To authorize and empower the city of Enfaula to levy and collect license taxes upon any business, occupation, vocation or employment that may be carried on within its corporate limits,

Was read the second time and referred to a select committee of three.

The bill—

H. B. 866. To change the name of Geneva county to Gordon county,

Was read the second time and referred to the committee on counties and county boundaries.

The Senate bills—

s. 349. To amend section 4731 of the Code which relates to hard labor for the county;

s. 370. To fix the time of holding the circuit court and the time of pleading in the first judicial circuit of Alabama;

s. 369. To fix the time of holding the circuit court in the sixth judicial circuit;

s. 205. To require the judge of probate to keep a docket of estates of deceased persons and guardianships, on which shall be noted all orders, decrees, and the issuance of all process and returns thereon in relation to such estate or guardianship;

s. 365. To fix the times, terms and places of holding the circuit courts in the several counties composing the fourth judicial circuit, as constituted by the act of the present General Assembly dividing the State into judicial circuits;

s. 262. To amend section 153 of the Code;

s. 363. To expedite the publication of the supreme court reports;

s. 20. To amend sections 4872, 4876, 4878 and 4880 of the Code;

Were severally read the second time and referred to the judiciary committee.

The Senate bills—

s. 284. To authorize the county superintendent of Lee county to pay a certain debt contracted by the trustees of the public schools of the city of Opelika;

s. 345. For the relief of township 2, range 2 east, in Madison county;

s. 170. For the relief of E. M. Grimmer of Dale county;

Were severally read the second time and referred to the committee on education.

The Senate bills—

s. 348. To enable the corporate authorities of the town of Leighton, in the counties of Colbert and Lawrence, to more effectually secure the performance of work on the streets, alleys and drains of said town;

s. 127. To amend section 1630 of the Code, to exempt ministers of the gospel and teachers of schools, while actually engaged in teaching, from road duty;

s. 316. To require apportioners and overseers of roads in the counties of Fayette, Lamar and Marion, to do road service after the expiration of their terms of service as such apportioners and overseers;

Were severally read the second time and referred to the committee on public roads and highways.

The Senate bills—

s. 56. To authorize and require the governor, auditor and

treasurer, to inquire into the validity of certain claims against the State of Alabama, and to report the result of their investigations to the next session of the General Assembly ;

s. 331. To provide for the issuance of registered bonds and their exchange for the coupon bonds of this State authorized by the act approved Feb. 23, 1876 ;

Were severally read the second time and referred to the committee on ways and means.

The Senate bills—

s. 160. To regulate licenses to sell vinous, malt, or spirituous liquors in this State ;

s. 361. To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous, or malt liquors within the village of Garland, Butler county, or within two miles thereof ;

s. 342. To prevent the sale, giving away, or otherwise disposing of spirituous liquors within two and a half miles of the Methodist church in the town of DeArmonville, in Calhoun county ;

Were severally read the second time and referred to the committee on temperance.

The Senate bill—

s. 362. To fix the times of holding the circuit courts in the second judicial circuit ;

Was read the second time and referred to the select committee on second judicial circuit.

The Senate bill—

s. 303. To amend section 240 of the Code ;

Was read the second time and referred to the committee on privileges and elections.

The Senate bill—

s. 308. To authorize an investigation of the claim of the sureties of L. M. Stiff, late receiver of public moneys at Centre, in Cherokee, against the State, and the payment thereof if found to be a valid and legal obligation of the State.

Was read the second time and referred to the committee on accounts and claims.

The Senate bill—

s. 350. To amend section 4546 of the Code ;

Was read the second time and referred to the committee on the penitentiary.

By leave—

Mr. Foster of Barbour, from the committee on education, reported favorably to the Senate bill—

s. 86. To carry into effect the intention of the Congress



of the United States in its donation of a certain quantity of land to the State of Alabama by the act of July 2, 1862.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 84, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Bowdon, Boykin, Bradford, Caldwell, Campbell, Cochran, Cooper, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, McCane, McCarron, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Antauga, Steele, Stribling, Taylor of Choctaw, Thompson, Waller, Willett, Woolf, Winn.—84.

Mr. Woolf, from the committee on judiciary, reported favorably to the bill—

H. B. 255. To require the Secretary of State to make annual reports to the Governor.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 82, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Ash, Bailey, Barnett, Betts, Boger, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Martin, Molett, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Saunders of Madison, Sharpe, Sheid, Smith of Antauga, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Woolf, Winn.—82.

Also, from same committee, reported a substitute for the bill—

H. B. 150. To provide for the execution by the chancery courts of certain decrees in equity cases originating in the circuit courts of this State.

The substitute was adopted.

And the bill ordered to a third reading forthwith, read the third time, and passed—yeas 79, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of M., Alexander, Armstrong, Ash, Bailey, Betts, Boger, Bowdon, Boykin, Bradford, Caldwell, Cochrane, Cooper, Culver, Clark of Conecuh, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Griggs, Haigler, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lowther, Lyons, Martin, Molett, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Woolf—79.

Also, reported favorably, with amendment, to the bill—

H. B. 101. To require mortgagees to enter on margin of the record, at the request of any *bona fide* creditor, the amount secured by them.

Amend by inserting after the word "attorney," in section —, "for thirty days."

The amendment was adopted.

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 76, nays 2.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Ash, Barnett, Betts, Boger, Boykin, Bradford, Brooks, Campbell, Cochrane, Cooper, Culver, Clark of Conecuh, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, English, Evans, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Lowther, Lyons, Martin, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Mobile, Steele, Stribling, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—76.

Nays—Messrs. Legg and Patton.

Also, reported a substitute for the bill—

H. B. 305. To amend section 3866 of the Code.

The substitute was adopted.

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 74, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Caldwell, Campbell, Cochrane, Cooper, Clark of Conecuh, Clark of Mobile, Critcher, Dark, Davis, Davidson, Dawson, Dolive, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Molett, Muldon, McCane, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—74.

Also, reported favorably to the bill—

H. B. 308. To suppress drunkenness in Marengo and Choctaw counties.

Amendments were offered, including the counties of Hale, Sumter, Bullock, Clarke, Perry, Greene, and Lee.

Which were severally adopted.

On motion of Mr. Stribling, the bill was laid on the table. Mr. Woolf, from same committee, reported a substitute for the bill—

H. B. 289. Regulating the fine and forfeiture fund of Monroe county.

The substitute, entitled an act to provide for and regulate the fine and forfeiture fund in the counties of Macon, Monroe and Washington.

Mr. Akers of Jefferson moved to amend by adding Jefferson county.

Mr. Hearn moved to amend by adding Randolph county.

The amendments were severally adopted.

The substitute was adopted,

And the bill was ordered to a third reading forthwith, read the third time and passed—yeas 82, nays 2.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Bradford, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Conecuh, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls,

Ramsey, Register, Reynolds, Riley, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn.

Nays—Messrs. Martin and Owens.

Also, reported favorably to the bill—

H. B. 484. To regulate and increase the jurisdiction of the probate courts of this State.

The bill was read the third time and passed—yeas 84, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Bowdon, Boykin, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Waller, Willett, Williams, Woolf.

Also, reported favorably to the bill—

H. B. 376. To amend an act to regulate the trial of misdemeanors in the county of Madison.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 83, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Caldwell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn.

Also, reported favorably, with amendment, to the bill—

H. B. 145. To amend section 660 (751) of the Code of Alabama.

Amend by striking out all after the word "court" in 1st section down to and including word "sworn," and insert:

"The attorneys present and practicing at such court shall name two attorneys, learned in the law, to act as judge *pro tempore*, and from such two nominated the clerk of the circuit court shall appoint one of them."

The amendment was adopted,

And the bill was ordered to a third reading forthwith, read the third time and passed—yeas 81, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Boger, Bowdon, Boykin, Caldwell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Jack, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Martin, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Willett, Williams, Woolf, Winn.

Also, reported a substitute for the bill—

H. B. 672. Limiting prosecutions in certain cases.

The substitute was adopted,

And the bill ordered to a third reading, read the third time and passed—yeas 80, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Boger, Bowdon, Boykin, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Conecuh, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Kennedy, Lawrence, Legg, Lowther, Lyons, Martin, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Willett, Woolf, Winn.

Also, reported favorably to the bill—

H. B. 336. To amend section 1617 of the Code of Alabama. The bill was ordered to a third reading forthwith, read the third time and passed—yeas 74, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Ash, Bailey, Betts, Boger, Boykin, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Conecuh, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Hughes, Huey, Hutto, Jack, Kennedy, Lawrence, Lawson, Lee, Legg, Lowther, Martin, Muldon, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Woolf, Winn.

Also, from the same committee, reported a substitute for the bill—

H. B. 162. To amend section 4196 of the Code.

The substitute was adopted—

And the bill ordered to a third reading forthwith, read the third time, and passed—yeas 85, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Bowdon, Boykin, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Lawrence, Lee, Legg, Lowther, Lyons, Martin, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Woolf, Winn—85.

Also, reported a substitute for the bill—

H. B. 165. To amend section 666 of the Code, and to repeal section 5063 of the Code.

The substitute was adopted—

And the bill ordered to a third reading forthwith, read the third time, and passed—yeas 45, nays 22.

Yeas—Messrs. Speaker, Akers, of Jefferson, Akers of Ma-

rion, Armstrong, Betts, Boykin, Bradford, Campbell, Cochran, Cooper, Clark of Conecuh, Clark of Mobile, Crutcher, Davis, Dolive, English, Foshee, Foster of Barbour, Foster of Macon, Fuller, Griggs, Haigler, Hearn, Hughes, Huey, Jolley, Kennedy, Lee, Lowther, Molett, Nicholson, Owens, Pearson, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Smith of Autauga, Taylor of Choctaw, Thompson, Walker, Willett, Woolf—45.

Nays—Messrs. Alexander, Ash, Boger, Dark, Davidson, Evans, Fonville, Heacock, Hutto, Jack, Lawrence, Legg, Lyons, Molett, McIlwain, Patton, Sanders of Lamar, Saunders of Madison, Steele, Stribling, Winn—22.

On motion of Mr. Sheid, the House took a recess until 4 P. M.

#### AFTERNOON SESSION.

The House reassembled at the hour of 4 P. M.

Leave of absence until Monday was granted to Mr. Barnett.

#### REPORTS FROM COMMITTEES.

Mr. Woolf, from the judiciary committee, reported a substitute for the bill—

H. B. 161. To require banks, bankers, insurance companies, and others engaged in the business of lending money, to give receipts for collaterals.

The substitute was adopted, and—

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 69, nays 4.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Ash, Bailey, Barnett, Boger, Bowdon, Boykin, Campbell, Cooper, Clark of Lawrence, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Lawrence, Lawson, Legg, Lowther, Martin, McCarron, McDougald, Nettles, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Woolf, Winn—69.

Nays—Messrs. Cochrane, Lyons, Muldon and Smith of Mobile—4.

Mr. Bowdon moved to take from the table the bill—

To prevent public drunkenness in Marengo and Choctaw counties.

The motion was agreed to.

Mr. Woolf moved to amend the bill by adding the county of Washington

Mr. Woolf called for the previous question—

Which was sustained.

The vote being first taken upon the amendment of Mr. Woolf—

The amendment was adopted.

Mr. Griggs moved to lay the bill on the table.

Agreed to.

Mr. Woolf, from the judiciary committee, reported favorably to the bill—

H. B. 457. To amend section 3467 of the Code.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 78, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Ash, Bailey, Barnett, Boger, Bowdon, Boykin, Bradford, Campbell, Cochrane, Cooper, Curtis, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Griggs, Haigler, Hand, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Molett, Muldon, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Woolf, Winn.

Mr. Clark of Lawrence voted nay.

Mr. Woolf moved that the select committee on the bills in regard to sale of lands for delinquent taxes, and redemption of lands sold for taxes—

Be allowed to sit apart from the House during the night session.

Agreed to.

Mr. Woolf, from judiciary committee, reported favorably to the bill—

H. B. 637. To amend section 2889 of the Code of 1876.



The bill was ordered to a third reading forthwith, and read the third time, and passed—yeas, 75, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Ash, Bailey, Barnett, Boger, Bowdon, Boykin, Bradford, Campbell, Cochrane, Cooper, Curtis, Clark of Lawrence, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Legg, Lowther, Lyons, Martin, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Riley, Rushing, Saunders of Madison, Sharpe, Sheid, Smith of A., Smith of Lowndes, Stribling, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Woolf, Winn—75.

Also, reported substitute for the bill—

H. B. 337. To increase the criminal jurisdiction of justices of the peace, and notaries public having like powers, in the counties of Perry, Dallas and Greene.

The substitute was adopted—

And the bill ordered to a third reading forthwith, read the third time, and passed—yeas 77, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Ash, Bailey, Boger, Boykin, Bradford, Campbell, Cochrane, Cooper, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lowther, Lyons, Martin, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Woolf, Winn—77.

Also, reported favorably, with amendment, to the bill—

H. B. 462. To authorize the court of county commissioners to fill by appointment vacancies in the office of coroner.

Amend—

By making the act apply only to Butler county.

Amend title to correspond.

The amendments were adopted, and

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 78, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Ash, Bailey, Barnett, Boger, Bowdon, Boykin, Bradford, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Heacock, Hughes, Huey, Hutto, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Legg, Lowther, Lyons, Molett, McCane, McCarron, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Woolf, Winn.

By leave,

Mr. Taylor of Lauderdale, from the committee on local legislation, reported favorably to the bill—

H. B. 673. To ratify and confirm the appointment of P. N. Hickman, by the commissioners' court of Butler county, to the office of coroner, and to ratify and confirm his acts in the legal discharge of his duties.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 78, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Ash, Bailey, Boger, Bowdon, Boykin, Bradford, Campbell, Cochrane, Cooper, Curtis, Clark of Conecuh, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lowther, Lyons, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Woolf, Winn—78.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
February 7, 1879.

*Mr. Speaker :*

The Senate has originated and passed the following bills :

s. 115. To declare and fix the limitations of suits against the heirs or devisees of decedents.

s. 317. To regulate the hire of convicts sentenced to the penitentiary.

s. 318. To prescribe the mode of granting license to sell spirituous liquors in Clarke county.

s. 341. To fix the times and places of holding the circuit courts in the third judicial circuit.

s. 364. To punish public drunkenness in this State.

W. L. CLAY,  
Secretary of Senate.

And the Senate bills just received, whose titles are set out in the above message (s. 115, s. 317, s. 318, s. 364, s. 341)

Were severally read once and ordered to a second reading on to-morrow.

Mr. Woolf, from the judiciary committee, reported favorably to the bill—

H. B. 325. To amend section 4202 of the Code.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 50, nays 24.

Yeas—Messrs. Akers of Jefferson, Ash, Bailey, Boger, Bowdon, Bradford, Cochrane, Cooper, Culver, Clark of Conecuh, Clark of Mobile, Critcher, Dark, Davidson, Dawson, Dolive, Fonville, Foster of Barbour, Fletcher, Gilbert, Hand, Heacock, Hughes, Huey, James, Jolley, Kennedy, Kirkpatrick, Lawson, Legg, Lowther, Lyons, Martin, McCane, McIlwain, Nettles, Nicholson, Patton, Pearson, Purifoy, Register, Riley, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Woolf, Winn—50.

Nays—Messrs. Speaker, Akers of Marion, Alexander, Brooks, Crutcher, Davis, Foshee, Foster of Macon, Griggs, Haigler, Hutto, Jack, Lawrence, Legg, Muldon, Owens, Pitts, Ralls, Ramsey, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Steele—24.

By leave,

Mr. Williams, from the committee on privileges and elections, reported favorably to the bill—

H. B. 784. To amend an act entitled An act to prevent, in certain cases, the sale, exchange and transportation of cotton in the counties of Montgomery, Bullock, Dallas, Russell, Lowndes, Wilcox, Sumter, Autauga, and in beats Nos. one, two, three, four, five, six, seven, eight and nine of Hale, and of cotton produced in said counties.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 56, nays 4.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Ash, Bailey, Boykin, Brooks, Cooper, Culver, Clark of Conecuh, Clark of Mobile, Dark, Davis, Davidson, Dawson, Dolive, Fonville, Foster of Barbour, Foster of Macon, Fuller, Haigler, Hand, Heacock, Hughes, Hutto, James, Kennedy, Kirkpatrick, Legg, Lowther, Lyons, Martin, McCane, McIlwain, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Ramsey, Register, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Woolf, Winn—56.

Nays—Messrs. Boger, Jack, Lawrence and Sheid—4.

#### MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,  
MONTGOMERY, ALA., Feb. 7, 1879.

*Mr. Speaker:*

The governor has approved the following bills, which originated in the House:

H. B. 206. To authorize the people of Marion county to vote on the question of removing the county seat of said county, and to permanently locate the same.

H. B. 239. To amend section 1259 of the Code.

H. B. 372. To repeal an act to restrain the powers of the commissioner's court of Coffee county.

H. B. 229. To repeal an act to abolish the office of tax collector in the counties of Baldwin, Escambia and Sanford, so far as the same relates to Escambia county.

H. B. 568. To provide for the adjustment, compromise and payment of the bonds issued by Dallas county to the New Orleans and Selma Railroad Company and Immigration Association.

H. B. 848. Joint resolution providing for the printing, biennially, one thousand copies of the regular report of the trustees and officers of the Alabama Insane Hospital, and for the distribution of the same.

H. B. 416. To provide for the conveyance of convicts to the penitentiary.

H. B. 73. To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors within two miles of Milltown Academy, in Milltown, Chambers county, Alabama.

H. B. 345. To establish a new charter for the town of Cullman.

H. B. 438. To authorize and regulate an election for changing the county seat of Washington county.

Very respectfully,

THOS. H. REYNOLDS,  
Recording Secretary.

MESSAGE FROM THE SENATE.

SENATE CHAMBER,

February 7, 1879.

*Mr. Speaker :*

The Senate has amended, as therein shown, and passed the House bill—

H. B. 591. To provide for a county solicitor for Mobile county.

And has passed the House bills—

H. B. 432. To amend section 276 of the Code of Alabama.

H. B. 472. To amend section 12 of the charter of Athens, Limestone county, Alabama.

W. L. CLAY,  
Secretary.

Mr. Woolf, from the judiciary committee, reported a substitute for the bill—

H. B. 383. To provide for the appointment of official stenographers for the circuit courts of Alabama, etc.

The substitute entitled an act—

H. B. 383. To provide for the appointment of official stenographers for the circuit, probate, and chancery courts in the cities of Mobile, Montgomery, Selma, Eufaula and Huntsville, and the city courts of the cities of Mobile, Montgomery and Selma, and to define their duties and regulate their compensation.

The substitute was adopted.

And the bill ordered to a third reading forthwith, read the third time and lost—yeas 29, nays 36.

Yeas—Messrs. Campbell, Cochrane, Culver, Clark of Mobile, Dolive, English, Haigler, Hughes, Huey, Jolley, Kirkpatrick, Lawson, Lowther, Martin, Muldon, McCarron, Nicholson, Owens, Pearson, Pitts, Rushing, Sharpe, Smith of Mobile, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Walker, Willett—29.

Nays—Messrs. Speaker, Akers of Marion, Boger, Boykin,

Brooks, Cooper, Crutcher, Dark, Davis, Davidson, Dawson, Evans, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Hand, Heacock, Hutto, Jack, Kennedy, Lawrence, Legg, McIlwain, Patton, Purifoy, Ralls, Register, Sanders of Lamar, Saunders of Madison, Steele, Thompson, Williams, Woolf, Winn—36.

Mr. Woolf gave notice of a motion to reconsider the vote just taken.

By leave—

Mr. Boykin, from the committee on appropriations, reported favorably to the bill—

H. B. 656. To carry into effect the health laws of the State.

The bill was ordered to a third reading forthwith.

On motion of Mr. Boykin—

Dr. Jerome Cochrane of Mobile was invited to appear before the House to explain the object of the bill.

Dr. Cochrane appeared at the bar of the House, and in a few appropriate remarks explained the necessity for the enactment of such a law as this bill provides for.

The bill was then read the third time and passed—yeas 60, nays 10.

Yeas—Messrs. Speaker, Akers of Marion, Ash, Bailey, Barnett, Boger, Boykin, Brooks, Campbell, Cochrane, Culver, Clark of Conecuh, Clark of Mobile, Crutcher, Davis, Davidson, Dolive, English, Fonville, Foster of Barbour, Griggs, Haigler, Hand, Heacock, Huey, Hutto, Jack, Jolley, Kirkpatrick, Lawrence, Lawson, Lowther, Lyons, Martin, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Smith of Mobile, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Walker, Willett, Williams, Woolf, Winn—60.

Nays—Messrs. Akers of Jefferson, Alexander, Curtis, Dark, Foshee, Fuller, Kennedy, Saunders of Madison, Sheid and Thompson—10.

The Speaker submitted the question to the judiciary committee—

Whether, under the recent act amending section 43 of the Code, where the law as amended has increased the mileage, members can draw additional mileage; and, also, as to the per diem of the Speaker.

On motion of Mr. Sharpe—

Mr. Foster of Barbour, from the committee on education, reported back H. B. 703;

And it was referred to the judiciary committee.

On motion of Mr. Stribling, the House took a recess until 7:30 P. M.

#### NIGHT SESSION.

The House reassembled at the hour of 7:30 P. M.

On motion of Mr. Jolley, the House concurred in the amendments of the Senate to the bill—

H. B. 591. To provide for a county solicitor for Mobile county.

Yeas 57, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Alexander, Ash, Billingslea, Boger, Boykin, Bradford, Caldwell, Campbell, Cochrane, Cooper, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Heacock, Hughes, Jack, James, Jolley, Kirkpatrick, Lawrence, Lawson, Lyons, Martin, Molett, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Pearson, Purifoy, Ralls, Ramsey, Sheid, Smith of Autauga, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Woolf—57.

#### REPORTS FROM COMMITTEES.

Mr. Woolf, from the judiciary committee, reported favorably to the bill—

H. B. 214. To transfer certain causes from the county to the circuit court of Madison county.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 65, nays 0.

Nays—Messrs. Speaker, Akers of Jefferson, Alexander, Armstrong, Ash, Barnett, Boger, Boykin, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Heacock, Hughes, Huey, Jack, James, Jolley, Kirkpatrick, Lawrence, Lawson, Lyons, Martin, Molett, McCane, McCarron, McIlwain, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Ramsey, Riley, Sheid, Smith of Autauga, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Woolf—65.

Also, favorably, with amendment, to the bill—

H. B. 848½. To repeal an act to repeal an act to repeal sections 4031 of the Revised Code in so far as the same applies to the county of Covington, and to re-enact said original section 4031.

Amend by adding—

Provided, that this act shall not be so construed as to affect the cases on the docket at the time of its passage.

The amendment was adopted.

And the bill ordered to a third reading forthwith, read the third time, and passed—yeas 72, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Betts, Billingslea, Boger, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Heacock, Hughes, Jack, James, Jolley, Kirkpatrick, Lawrence, Lawson, Lyons, Molett, McCane, McCarron, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Woolf—72.

Also, favorably, with amendment, to the bill—

H. B. 149. To repeal an act in relation to the fine and forfeiture fund of Tuscaloosa and other counties therein named, approved March 27, 1873, as to Russell county.

Amend by adding—

Provided, that no bond given prior to the passage of this act, nor any judgment, fine or forfeiture heretofore taken, shall be affected by the passage of this act.

The amendment was adopted.

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 71, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Billingslea, Boger, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of B., Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Heacock, Hughes, Huey, Jack, Jolley, Kirkpatrick, Lawrence, Lawson, Legg, Lyons, Martin, Molett, McCane, McCarron, McIlwain, Nettles, Owens, Patton, Pearson, Purifoy, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith



of Lowndes, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Woolf—71.

Also, favorably the bill—

H. B. 522. To repeal an act to consolidate the fund of fines and forfeitures and the general fund of the county of Maingo, approved Feb. 13, 1871.

The bill was ordered to a third reading forthwith, read the third time, and passed—Yeas 71, nays 0.

Yeas—Messrs. Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Billingslea, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochran, Cooper, Curtis, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kirkpatrick, Lawrence, Lawson, Legg, Lyons, Martin, Molett, Muldon, McCane, McCarron, Nicholson, Owens, Patton, Pearson, Purifoy, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sheid, Smith of Autauga, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Woolf—71.

By leave,

Mr. Boykin, from the committee on appropriations, reported favorably to the bill—

H. B. 785. For the relief of blind soldiers.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 72, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Boger, Boykin, Bradford, Brooks, Caldwell, Cochran, Cooper, Culver, Curtis, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lyons, Martin, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Owens, Patton, Pearson, Purifoy, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sheid, Smith of Lowndes, Steele, Stribling, Taylor of Choctaw, Thompson, Walker, Woolf—72.

By leave,

Mr. Taylor of Lauderdale, from the committee on local legislation, reported favorably to the bill—

H. B. 670. To prevent stock from running at large it that portion of Dallas county embraced between Sandy Chillatchee

and Bogue Chitto creeks, and between the upper Linden and the old Wire road.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 72, nays 0.

Yeas—Messrs. Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Billingslea, Boger, Boykin, Bradford, Caldwell, Cochran, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lyons, Martin, Molett, McCane, McCarron, McIlwain, Nettles, Owens, Patton, Pearson, Purifoy, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Woolf—72.

By leave,

Mr. Boykin, from the committee on appropriations, reported favorably to the bill—

H. B. 555. For the relief of David A. Moniac, tax collector of Baldwin county.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 73, nays 0.

Yeas—Messrs. Akers of Marion, Armstrong, Ash, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochran, Cooper, Culver, Curtis, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lyons, Martin, Molett, Muldon, McCarron, Nettles, Owens, Patton, Pearson, Pitts, Purifoy, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Woolf—73.

Mr. Woolf, from the judiciary committee, reported a substitute for the bill—

H. B. 199. To change the times of holding the circuit courts in the counties of Winston, Marion and Fayette.

The substitute was adopted,

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 74, nays 0.

Yeas—Messrs. Akers of Jefferson, Akers of Marion, Alex-

ander, Armstrong, Ash, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Hand, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lyons, Martin, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Owens, Patton, Pearson, Pitts, Purifoy, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Woolf—74.

Also, reported a substitute for the bill—

H. B. 550. To amend section 611 of the Code, relating to the times and places of holding courts in the western chancery division.

The substitute was adopted.

And the bill ordered to a third reading forthwith, read the third time, and passed—yeas 64, nays 1.

Yeas—Messrs. Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Bailey, Barnett, Boger, Bradford, Caldwell, Cochrane, Cooper, Culver, Curtis, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Heacock, Hughes, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lyons, Martin, Molett, Muldon, McIlwain, Nettles, Owens, Patton, Pearson, Pitts, Purifoy, Register, Reynolds, Rushing, Sanders of Lamar, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Woolf—64.

Mr. Ramsey voted nay.

Also, favorably to the Senate bill—

s. 253. To repeal an act in relation to trials for misdemeanors in Tuscaloosa and other counties therein named, approved March 19, 1875, so far as relates to the county of Greene.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 64, nays 1.

Yeas—Messrs. Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Boger, Bradford, Caldwell, Campbell, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Haigler, Heacock, Hughes, Huey, Hutto, Jack, Kennedy, Kirkpatrick,

Lawrence, Lawson, Legg, Lyons, Martin, Molett, Muldon, McIlwain, Nettles, Owens, Patton, Pearson, Pitts, Purifoy, Ramsey, Register, Reynolds, Rushing, Sanders of Lamar, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Woolf—64.

Mr. Hand voted nay.

Also, favorably to the bill—

H. B. 595. To cede to the United States jurisdiction over such lot of land in the city of Montgomery as may be purchased by the United States.

Mr. Fletcher moved to amend by adding Huntsville.

Adopted.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 61, nays 0.

Yeas—Messrs. Akers of Jefferson, Akers of Marion, Armstrong, Ash, Boger, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Heacock, Hughes, Hutto, Jack, Kennedy, Kirkpatrick, Lawrence, Legg, Lyons, Martin, Muldon, Nettles, Owens, Patton, Pearson, Pitts, Purifoy, Ramsey, Register, Reynolds, Rushing, Sanders of Lamar, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Waller, Woolf—61.

Mr. Clark of Mobile gave notice of reconsideration of the vote just taken.

Also, reported favorably, with amendment, to the bill—

H. B. 682. For the relief of Charles Linn, of Jefferson county.

Amend by an additional section.

Adopted.

And the bill was ordered to a third reading forthwith, read the third time.

Mr. Kirkpatrick called the previous question—

The call was sustained,

And the bill was lost—yeas 12, nays 45.

Yeas—Messrs. Armstrong, Barnett, Cochrane, Jack, Lawson, Molett, Patton, Purifoy, Stribling, Taylor of Choctaw, Walker and Woolf—12.

Nays—Messrs. Ash, Boger, Boykin, Bradford, Caldwell, Campbell, Cooper, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Hand, Heacock,

Hughes, Huey, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Lyons, Muldon, Nettles, Pearson, Pitts, Ramsey, Reynolds, Rushing, Sanders of Lamar, Sheid, Smith of Autauga, Steele, Taylor of Lauderdale, Thompson, Waller—45.

Mr. Boger gave notice of reconsideration of vote just taken.

Leave of absence was granted Mr. Martin for the evening, on account of sickness.

Also, reported favorably, with amendment, to the bill—

H. B. 729. To establish an inferior court of record in the town of Courtland.

Amend by adding after the word "dollars" "except suits that involve the title to real estate."

The amendment was adopted,

And the bill was ordered to a third reading forthwith and read the third time.

Mr. Lawson called for the previous question.

The House refused to order the main question.

The bill was passed—yeas 51, nays 10.

Yeas—Messrs. Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Boger, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Critcher, Crutcher, Dark, Dawson, English, Evans, Fonville, Foshee, Fuller, Fletcher, Griggs, Haigler, Hand, Heacock, Hughes, Hutto, James, Kennedy, Lawson, Legg, Lyons, Molett, Muldon, McCane, Nettles, Owens, Patton, Pearson, Purifoy, Register, Reynolds, Rushing, Sheid, Smith of Autauga, Stribling, Taylor of Choctaw, Thompson, Waller, Woolf—51.

Nays—Messrs. Barnett, Curtis, Davis, Davidson, Jack, Kirkpatrick, Lawrence, McIlwain, Sanders of Lamar and Steele—10.

Mr. Crutcher gave notice of reconsideration of the vote just taken.

By leave,

Mr. Taylor of Lauderdale, for committee on local legislation, reported a substitute for the bill—

H. B. 536. To limit the spring and summer terms of the circuit court of Butler county.

The substitute was adopted,

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 61, nays 0.

Yeas—Messrs. Akers of Jefferson, Akers of Marion, Armstrong, Ash, Barnett, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Griggs, Haigler,

Hand, Heacock, Hughes, Huey, Hutto, Jack, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lyons, Muldon, McIlwain, Nettles, Owens, Patton, Pearson, Pitts, Purifoy, Register, Reynolds, Rushing, Sanders of Lamar, Sheid, Smith of Autauga, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Woolf—61.

Mr. Sheid moved to adjourn till to-morrow morning.

Lost.

By leave,

Mr. Culver, from the committee on temperance, reported favorably to the bill—

H. B. 570. To prohibit the sale of malt, vinous or spirituous liquors within five miles of Adams' Grove church, in Dallas county.

Mr. Molett moved to amend by excluding King's Landing from the provisions of the act.

Adopted.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 57, nays 3.

Yeas—Messrs. Akers of Jefferson, Alexander, Armstrong, Ash, Barnett, Boger, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Dark, Davis, Davidson, Dawson, Evans, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Heacock, Hughes, Huey, Hutto, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Lyons, Molett, McIlwain, Nettles, Owens, Patton, Pearson, Pitts, Purifoy, Ramsey, Register, Rushing, Sanders of Lamar, Smith of Autauga, Steele, Taylor of Lauderdale, Thompson, Walker, Waller, Woolf—57.

Nays—Messrs. Akers of Marion, Crutcher and Sheid—3.

Also, favorably to the bill—

H. B. 579. To repeal an act entitled "An act to prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors within one mile of the Methodist church in the town of Larkinsville, Jackson county," approved March 28, 1873.

The bill was ordered to a third reading, read the third time, and passed—yeas 62, nays 1.

Yeas—Messrs. Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Boger, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, English, Evans, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Heacock, Hughes, Huey, Hutto, James, Kennedy, Kirkpatrick, Lawson, Legg, Lyons, Molett,

McIlwain, Nettles, Owens, Pearson, Pitts, Purifoy, Ramsey, Register, Reynolds, Rushing, Sanders of Lamar, Sheid, Smith of Autauga, Steele, Stribling, Taylor of Choctaw, Thompson, Walker, Waller, Woolf—62.

Mr. Lawrence voted nay.

Also, favorably to the bill—

H. B. 494. To prohibit the sale or giving away of spirituous, vinous or malt liquors within three miles of Unity Grove camp-ground, in Pickens county.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 58, nays 2.

Yeas—Messrs. Alexander, Armstrong, Ash, Barnett, Boger, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Dark, Davidson, Dawson, English, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Heacock, Hughes, Huey, Hutto, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lyons, Molett, McIlwain, Patton, Pearson, Pitts, Purifoy, Ramsey, Register, Reynolds, Rushing, Sanders of Lamar, Sheid, Smith of Autauga, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Woolf—58.

Nays—Messrs. Crutcher and Davis—2.

Mr. Fletcher moved to adjourn till to-morrow morning 10 o'clock.

Lost.

By leave,

Mr. Foster of Barbour from the committee on education, reported favorably to the bill—

H. B. 748. To authorize and require the auditor to draw his warrant on the State Treasurer in favor of the county superintendent of education of Washington county, for the balance due the school fund of said county, exclusive of poll-tax, for the scholastic year ending September 30, 1876—yeas 61, nays 2.

Yeas—Messrs. Akers of Jefferson, Alexander, Armstrong, Ash, Barnett, Boger, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, English, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Heacock, Hughes, Huey, Hutto, James, Kennedy, Kirkpatrick, Lawson, Legg, Lyons, Molett, Muldon, McCane, Nettles, Patton, Pearson, Pitts, Purifoy, Ramsey, Register, Reynolds, Rushing, Sanders of Lamar, Sheid, Smith of Autauga, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Waller, Woolf—61.

Nays—Messrs. McIlwain and Walker—2.

Mr. Lawson moved to adjourn till to-morrow morning 10 o'clock.

Lost.

Mr. Foster of Barbour, from same committee, reported favorably to the bill—

H. B. 678. To ratify the compromise of the claim of the educational fund of Blount county, Alabama, against Frank A. Hanna.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 49, nays 4.

Yeas—Messrs. Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Barnett, Boger, Bradford, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Mobile, Dark, Davis, Davidson, Dawson, Foshee, Foster of Barbour, Fuller, Griggs, Haigler, Hand, Heacock, Hutto, James, Kennedy, Kirkpatrick, Lawson, Legg, Lyons, Molett, Muldon, McIlwain, Patton, Pearson, Pitts, Purifoy, Register, Reynolds, Rushing, Sanders of Lamar, Smith of Autauga, Steele, Stribling, Taylor of Choctaw, Thompson, Walker, Woolf—49.

Nays—Messrs. Ash, Lawrence, Taylor of Lauderdale and Walker—4.

By leave,

Mr. Taylor of Lauderdale, from the committee on local legislation, reported favorably to the bill—

H. B. 300. To repeal an act to authorize J. W. McBrayer, of Coosa county, to sell certain real estate.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 62, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Boger, Bradford, Caldwell, Campbell, Cooper, Curtis, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Heacock, Hughes, Huey, Hutto, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lyons, Molett, McCane, McIlwain, Nettles, Patton, Pearson, Pitts, Purifoy, Register, Reynolds, Rushing, Sanders of Lamar, Sheid, Smith of Autauga, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Woolf—62.

Also, favorably to the bill—

H. B. 789. To restrict the court of county commissioners for Cherokee county in their levy of the county tax.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 59, nays 0.



Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Boger, Bradford, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Fonville, Foshee, Foster of Barbour, Fuller, Gilbert, Griggs, Haigler, Hand, Heacock, Hughes, Huey, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lyons, Molett, Muldon, McCane, McIlwain, Patton, Pearson, Pitts, Purifoy, Register, Reynolds, Rushing, Sanders of Lamar, Sheid, Smith of Autauga, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Woolf—59.

Mr. James moved to adjourn till to-morrow morning 10 o'clock.

Lost.

By leave,

Mr. Waller, from the committee on corporations, reported a substitute for the bill—

H. B. 560. To amend sections 1, 2, 3 and 13 of an act to incorporate the town of Clayton, in the county of Barbour.

The substitute was adopted,

And the bill was ordered to a third reading forthwith, read the third time, and passed—yeas 55, nays 1.

Yeas—Messrs. Akers of Jefferson, Alexander, Armstrong, Barnett, Bradford, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Evans, Fonville, Fuller, Fletcher, Griggs, Haigler, Hand, Hughes, Huey, Hutto, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Lyons, Molett, Muldon, McCane, McIlwain, Nettles, Patton, Pearson, Pitts, Purifoy, Register, Reynolds, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Woolf—55.

Mr. Boger voted nay.

Mr. Fletcher moved to adjourn till to-morrow morning 10 o'clock.

The House refused to adjourn.

By leave,

Mr. Foshee, from the special committee to which was referred the bill—

s. 337. Fixing the time of holding the circuit court in Chilton in this State,

Reported favorably, with an amendment, to the bill.

Amend by striking out the words "after the fourth Monday."

The amendment was adopted.

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 64, nays 0.

Yeas—Messrs. Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Heacock, Hughes, Huey, Hutto, James, Kirkpatrick, Lawrence, Lawson, Legg, Lyons, Molett, Muldon, McCane, McIlwain, Nettles, Owens, Patton, Pearson, Pitts, Purifoy, Register, Reynolds, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Woolf—64.

Mr. Dawson moved to adjourn till to-morrow morning at 10 o'clock.

Lost.

Mr. Foster of Barbour, from the committee on education, reported favorably to the bill—

H. B. 642. Supplemental to an act approved February 8th, 1877, and to ratify and confirm a sale of land made February 4th, 1878, for the benefit of township 14, range 13 of Lowndes county.

Mr. Lawson moved to lay the bill on the table.

Lost.

Mr. Lawson moved to indefinitely postpone the further consideration of the bill.

Lost.

And the bill was ordered to a third reading forthwith, read the third time, and passed—yeas 56, nays 2.

Yeas—Messrs. Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Caldwell, Cochrane, Cooper, Clark of Mobile, Davis, Davidson, Dawson, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Heacock, Hughes, Huey, Hutto, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lyons, Molett, Muldon, McCane, McIlwain, Owens, Patton, Pearson, Pitts, Purifoy, Ramsey, Register, Reynolds, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Woolf—56.

Nays—Messrs. Boger and English.

Mr. Hand moved to adjourn till to-morrow morning, 10 o'clock.

Lost.

Yeas 25, nays 41.

Yeas—Messrs. Ash, Bradford, Caldwell, Campbell, Curtis, Dark, Davidson, Dawson, English, Foster of Barbour, Fletcher, Gilbert, Hand, Heacock, Hughes, Lawrence, Lawson, Legg, McCarron, Patton, Sanders of Lamar, Steele, Taylor of Choctaw, Taylor of Lauderdale, Woolf—25.

Nays—Messrs. Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Barnett, Boger, Cochrane, Cooper, Clark of Mobile, Crutcher, Davis, Evans, Fonville, Foshee, Foster of Macon, Griggs, Haigler, Huey, Hutto, James, Kennedy, Kirkpatrick, Legg, Molett, Muldon, McIlwain, Owens, Pearson, Pitts, Purifoy, Ramsey, Register, Reynolds, Rushing, Sharpe, Sheid, Smith of Autauga, Stribling, Thompson, Walker, Waller—41.

Mr. Foster of Barbour, from the same committee, reported favorably to the bill—

H. B. 749. To authorize and require the auditor to draw his warrant on the tax collector of Washington county, in favor of the county superintendent of education of said county, for the balance due the school fund of said county, exclusive of poll tax, for the scholastic year ending September 30, 1874, and September 30, 1875.

The bill was ordered to a third reading forthwith, and read the third time.

Mr. Steele moved to lay the bill on the table.

Lost.

Yeas 2, nays 50.

Yeas—Messrs. Lawson and McIlwain—2.

Nays—Messrs. Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Boger, Bradford, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Mobile, Dark, Davis, Davidson, English, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Heacock, Huey, Hutto, Kennedy, Kirkpatrick, Lawrence, Legg, Muldon, McIlwain, Pearson, Pitts, Purifoy, Register, Reynolds, Sheid, Smith of Autauga, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Woolf—50.

The bill passed.

Yeas 54, nays 1.

Yeas—Messrs. Akers of Jefferson, Akers of Marion, Armstrong, Ash, Barnett, Bradford, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Griggs, Haigler, Hand, Heacock, Huey, Hutto, James, Kennedy, Lawrence, Legg, Molett, Muldon, McIlwain,

Nettles, Patton, Pearson, Pitts, Purifoy, Register, Reynolds, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Woolf—54.

Mr. Boger voted nay.

On motion of Mr. Sheid at 11:30 o'clock P. M., the House adjourned till to-morrow morning at 10 o'clock.

## FORTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES,  
Saturday, February 8, 1879.

House met pursuant to adjournment.

Prayer by Rev. Dr. R. A. Young of Nashville.

On the call of the roll, the following members answered to their names :

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Billingslea, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Wood, Woolf, Winn—90.

Journal of yesterday read and approved.

Message from the governor, by his recording secretary, Mr. Thos. H. Reynolds.

EXECUTIVE DEPARTMENT,  
Montgomery, Ala., Feb. 8, 1879.

*Gentlemen of the House of Representatives :*

I have the honor to transmit herewith a communication from his Excellency, Alfred H. Colquitt, governor of the State of Georgia, with a detailed statement by the superintendent

and steward of the Georgia Lunatic Asylum of a claim for the maintenance and support of patients from Alabama, and a resolution of the General Assembly of Georgia looking to a speedy and satisfactory adjustment of said claim, and recommend such action as to you may seem right and proper in the premises.

R. W. COBB, Governor.

The message was read and referred to the committee on ways and means.

#### SIGNING ENROLLED BILLS.

Mr. Fletcher, from the committee on enrolled bills, reported as correctly enrolled the following bills:

And the speaker, in the presence of the House, immediately after their titles had been publicly read, signed said bills:

H. B. 306. To regulate the times for holding the chancery court in and for the northern chancery division of Alabama;

H. B. 591. To provide for a county solicitor for Mobile county;

H. B. 472. To amend section twelve (12) of the charter of Athens, Limestone county, Alabama;

H. B. 432. To amend section 276 of the Code of Alabama.

On motion of Mr. Williams—

The House proceeded to the consideration of the Senate joint resolution in relation to final adjournment of the General Assembly.

Mr. Muldon moved—

To amend by inserting the hour of 12 P. M. for 5 P. M.

Adopted.

Mr. Taylor of Lauderdale moved—

To amend by inserting "and neither house, after 5 P. M., shall transact any business, except the signing of bills and reception of Executive messages."

Adopted.

The resolution, as amended, was adopted.

Mr. Woolf called up his motion to reconsider the vote passing the bill—

H. B. 383. To provide for the appointment of official stenographers for the circuit, probate, chancery and city courts of Mobile, &c.

The motion was agreed to.

On motion of Mr. Woolf—

The bill was amended so as to make it apply alone to the

circuit and city courts of Mobile, and also the chancery courts of Mobile.

The bill was then ordered to a third reading forthwith, read the third time, and passed—yeas 81, nays 2.

Yeas—Messrs Speaker, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Billingslea, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Curtis, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Dawson, Dolive, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Huey, Hutto, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Martin, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison Sharpe, Sheid, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—81.

Nays—Messrs. Boger and Clark of Lawrence.

Mr. Clopton (Mr. Foster of Barbour in the chair), from select committee, reported a substitute for the bill—

H. B. 419. To authorize the redemption of lands sold for taxes and purchased by or in the name of the State.

Mr. Boykin moved—

To amend by striking out “fifty per cent.” and inserting “twenty-five per cent.”

Which, on motion of Mr. Foster of Barbour—

Was laid on the table.

The substitute was adopted—

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 77, nays 8.

Nays—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Conecuh, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, James, Kennedy, Kirkpatrick, Lee, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes,

Smith of Mobile, Taylor of Lauderdale, Thompson, Willett, Williams, Woolf, Winn—77.

Nays—Messrs. Boger, Bowdon, English, Jack, Lawrence, Legg, Steele and Critcher—8.

Mr. Clopton, from same committee, reported a substitute for the bill—

H. B. 294. To provide for the sale of land and other real estate for delinquent taxes.

The substitute was adopted—

The title was amended by adding “and the redemption thereof”—

And the bill was ordered to a third reading forthwith, read the third time and passed—yeas 78, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Massey, Muldon, McCane, McCarron, Mcllwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Register, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Woolf, Winn—78.

Mr. Steele voted nay.

By leave—

Mr. Muldon, from the committee on ways and means, reported back to the House the bill—

H. B. 658. To regulate proceedings in suits for the recovery of lands sold for delinquent taxes, and the redemption thereof.

And it was referred to the select committee raised on yesterday, and to which the bills relating to taxes were referred.

Mr. Clopton (Mr. Foster of Barbour in the chair), from select committee, reported a substitute for the said bill—H. B. 658.

Mr. Woolf moved to amend by a proviso to section 19.

The amendment was adopted.

Mr. Smith of Mobile moved to amend by adding at end of section 4:

But the defendant may at any time tender the amount due, and no costs shall be adjudged against the defendant which

may accrue after such tender and a refusal thereof: Provided, that in case of suit brought, such tender be paid into court. And this provision shall also apply to section 3 of this act.

The amendment was adopted.

Mr. Nicholson moved—

To amend by striking out "twenty-five per cent.," in section 1, and inserting "twenty per cent."

Mr. Williams moved to insert "fifteen per cent."

Both amendments were lost.

The substitute was then adopted—

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 73, nays 8.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Bowdon, Bradford, Brooks, Caldwell, Campbell, Cooper, Clark of Conecuh, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Martin, Molett, Muldon, McCane, McCarron, McDougald, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sheid, Smith of Autauga, Smith of Lowndes, Stribling, Taylor of Choctaw, Thompson, Walker, Willott, Williams, Wood, Woolf, Winn—73.

Nays—Messrs. Billingslea, Boger, Clark of Lawrence, Evans, Jack, James, McIlwain and Steele—8.

The title was amended to read as follows:

An act relating to lands sold for payment of taxes.

On motion of Mr. Boger, the vote passing—

H. B. 729. To establish an inferior court of record for Courtland, Alabama—

Was reconsidered.

Also,

Vote ordering the bill to a third reading forthwith.

By leave—

Mr. Waller, from the committee on corporations, reported favorably to the bill—

H. B. 757. To amend sections 1 and 2 of an act authorizing the city council of Montgomery to condemn and purchase real estate as herein provided, approved April 10, 1873.

The bill was ordered to a third reading forthwith, and read the third time, and passed—yeas 69, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Boger, Boykin, Bradford,



Brooks, Caldwell, Campbell, Cooper, Clark of Conecuh, Clark of Lawrence, Critcher, Dark, Davis, Davidson, Dawson, Dolive, Foshee, Foster of Macon, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Martin, Molett, Muldon, McCane, McCarron, McDougald, Nicholson, Patton, Pearson, Pitts, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Steele, Thompson, Walker, Willett, Williams, Wood, Woolf—69.

Also, from same committee, reported favorably to the bill—

H. B. 578. To amend section 6 and section 9 of an act to amend section 4, section 6, section 7, section 9, sections 12 and 28 of an act to amend the charter of the city of Montgomery, and the various laws heretofore passed amending the said charter, approved March 3, 1870.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 73, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Alexander, Armstrong, Ash, Bailey, Billingslea, Bowdon, Caldwell, Campbell, Cooper, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Foshee, Foster of Barbour, Fuller, Gilbert, Griggs, Haigler, Hand, Hearn, Hughes, Jack, James, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, McCane, McCarron, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Wood, Woolf, Winn—73.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,

Feb. 8, 1879.

*Mr. Speaker:*

The Senate concurs in the House amendments to the bill—

s. 337. Fixing the time of holding the circuit court in Chilton county, in this State.

And concurs in the House amendment to the Senate Joint resolution on adjournment.

And refuses to concur in the House amendment to the bill—

s. 156. To amend an act to fix the time of holding the circuit courts of the twelfth judicial circuit, approved December 14, 1876.

And has originated and passed the following bills, and ordered them sent forthwith to the House—

s. 374. To authorize and require the city councils of Montgomery and Selma to assess, levy and collect a special tax for quarantine and sanitary purposes, and to enforce the collection thereof by requiring voters of said cities to pay the same before registering for the purpose of voting at any election held to elect officers of said cities.

s. 266. To authorize the Governor to purchase two hundred copies of Clark's manual of the law of crimes and criminal practice in Alabama.

W. L. CLAY,  
Secretary of Senate.

The Senate bills just received, their titles being set out in the above message (viz: s. 374, s. 266)—

Were severally read once and ordered to a second reading on to-morrow.

#### MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,  
Montgomery, Ala., Feb. 8, 1879.

*Mr. Speaker:*

The Governor has approved the following bill, which originated in the House:

H. B. 15. To organize and regulate a system of public instruction for the State of Alabama.

Respectfully,

THOS. H. REYNOLDS,  
Recording Secretary.

The House then proceeded to the consideration of the bill—

H. B. 729. To establish an inferior court of record in the town of Courtland, county of Lawrence.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 39, nays 33.

Yeas—Messrs. Akers of Jefferson, Akers of Marion, Arm-

strong, Bailey, Boger, Bradford, Caldwell, Cochrane, Cooper, Clark of Mobile, Crutcher, Dawson, Fonville, Foster of Barbour, Fletcher, Griggs, James, Jolley, Kennedy, Lee, Lowther, Lyons, Martin, Massey, Molett, McCane, McIlwain, Nicholson, Pearson, Pitts, Ramsey, Riley, Stribling, Smith of Autauga, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Woolf—39.

Nays—Messrs. Speaker, Ash, Bowdon, Boykin, Brooks, Caldwell, Curtis, Clark of Conecuh, Clark of Lawrence, Critcher, Dark, Davis, Davidson, Evans, Fuller, Gilbert, Hand, Hearn, Heacock, Hutto, Jack, Kirkpatrick, Lawrence, Legg, Nettles, Purifoy, Sanders of Lamar, Saunders of Madison, Sheid, Smith of Lowndes, Smith of Mobile, Steele, Willett—33.

Mr. Boger moved to reconsider the vote just taken,

And to lay that motion on the table.

The latter motion was agreed to.

#### REPORTS FROM COMMITTEES.

Mr. Woolf, from the judiciary committee, reported favorably to the bill—

H. B. 485. Defining certain credits to be allowed tax collectors on making final settlements with the State auditor.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 74, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Billingslea, Boger, Bowdon, Boykin, Bradford, Caldwell, Campbell, Cochrane, Cooper, Clark of Conecuh, Clark of Mobile, Critcher, Dark, Davis, Dawson, Dolive, Evans, Fonville, Foshee, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Lyons, Martin, Massey, Molett, McCane, McCarron, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ramsey, Register, Reynolds, Riley, Rushing, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Woolf—74.

Also, reported a substitute for the bill—

H. B. 91. To amend section 4460 of the Code.

The substitute, entitled—

An act to regulate the fines and forfeitures of the several counties.

Pending the consideration of which, the House took a recess until 4 p. m.

#### AFTERNOON SESSION.

At 4 p. m. the House re-assembled.

Mr. Bradford, from the select committee on game laws, reported favorably, with amendment, to the bill—

H. B. 855. To prohibit camp hunting in Wilcox county.

Amend by including the counties of Monroe and Marengo. The amendments were adopted.

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 59, nays 2.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Boger, Bradford, Brooks, Campbell, Cochrane, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Foshee, Foster of Macon, Fletcher, Gilbert, Griggs, Hand, Heacock, Hughes, Huey, Jack, Jolley, Lawrence, Lee, Lowther, Massey, McCarron, McDougald, Nettles, Patton, Pearson, Purifoy, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Woolf, Winn—59.

Nays—Messrs. James and McIlwain.

Also, from the same committee, reported favorably to the bill—

H. B. 839. To prevent the hunting of certain animals on the lands of others in Bullock county.

Mr. James moved to amend by including the county of Hale.

Mr. McIlwain moved to include Dallas county.

The amendments were adopted.

And the bill ordered to a third reading forthwith, read the third time, and passed—yeas 37, nays 17.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Ash, Boger, Bradford, Cochrane, Clark of M., Crutcher, Davis, Davidson, Fonville, Fletcher, Hand, Hearn, Heacock, Jack, James, Jolley, Lawrence, Lee, Lowther, Martin, Massey, McCarron, McIlwain, Nettles, Register, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Mobile, Taylor of Choctaw, Walker, Willett, Winn—37.

Nays—Messrs. Bailey, Brooks, Cooper, Dark, Dawson,

Foshee, Foster of Macon, Griggs, Hearn, Hughes, McDougald, Patton, Purifoy, Riley, Steele, Thompson, Woolf—71.

Mr. Walker, from select committee, reported favorably, with amendments, to the bill—

H. B. 823. To establish a new charter for the city of Birmingham.

Amend by adding to section 15—

Provision providing for imposing a license tax on certain businesses and vocations.

Amend by adding to section 11—

And he shall have power to suspend the marshal or any policeman until the next regular meeting of the board, and shall report such suspension, with the cause thereof, to the board at such meeting.

The amendments were severally adopted.

And the bill ordered to a third reading forthwith, read the third time, and passed—yeas 71, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Martin, Massey, Muldon, McCarron, McIlwain, Nettles, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Mobile, Stribling, Taylor of Choctaw, Taylor of Landerdale, Thompson, Walker, Waller, Willett, Woolf, Winn—71.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
February 8, 1879.

*Mr. Speaker :*

The Senate has amended, as therein shown, and passed the House bill—

H. B. 258. To repeal an act to establish the city court of Eufula, approved Feb. 14, 1870.

W. L. CLAY,  
Secretary of Senate.

The House then resumed the consideration of H. B. 91, pending at adjournment.

Mr. Taylor of Lauderdale moved to amend by way of a substitute for sections 4 and 7.

On motion of Mr. Taylor of Choctaw, the amendment was laid on the table.

Mr. Walker moved to amend by adding at the end of section 6 the following:

Provided, That all claims now payable out of the fine and forfeiture fund, and now outstanding and unpaid, must be registered, as provided by this act, within six months after the passage thereof, or the same shall be forever barred.

On motion of Mr. Taylor of Choctaw, the amendment was tabled.

Mr. Foster of Barbour moved to amend section 2 by adding:

Except such part thereof as is hereinafter directed to be paid in advances to witnesses and officers.

On motion of Mr. Sheid, the amendment was laid on the table.

Amendments were offered and adopted—

That the provisions of this act apply only to the counties of Pickens, Tuscaloosa, Marengo, Choctaw, Madison, Hale, Jackson, Morgan, Calhoun, Shelby, Bibb, Franklin, Colbert, Henry, Perry, Dallas, Talladega, Limestone, Randolph, Russell, Tallapoosa, Blount, Lamar, Marion, Walker, Winston, Marshall, Lee, Clay, Lawrence, Bullock, Monroe, and Escambia.

Mr. Smith of Mobile moved to take from the table the amendments of Mr. Taylor of Lauderdale.

Agreed to.

The amendment was adopted.

Mr. Willett moved to lay the bill on the table.

Agreed to.

On motion of Mr. Woolf, the House receded from its amendments to the Senate bill—

s. 173. For the better protection of the planters in the counties of Marengo, Monroe, Clark and Choctaw.

So far as it amended said bill by including the counties of Tuscaloosa and Chambers,

And agreed to the bill as amended—yeas 56, nays 3.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Billingslea, Boykin, Bradford, Caldwell, Cochrane, Cooper, Clark of Conecuh, Clark of Mobile, Dark, Davis, Davidson, Fonville, Fletcher, Griggs, Hand, Heacock, Hughes, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lee, Lowther, Lyons, Massey, McCaule,

McCarron, McIlwain, Nettles, Patton, Pearson, Pitts, Purifoy, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Smith of Mobile, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Woolf, Winn—56.

Nays—Messrs. Boger, Hearn and Sheid—3.

By leave,

Mr. Waller, from the committee on corporations, reported favorably to the bill—

H. B. 601. To incorporate the town of Falkville, in the county of Morgan.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 66, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Boger, Bradford, Brooks, Caldwell, Cochrane, Cooper, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Dark, Davis, Davidson, Dawson, Evans, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Legg, Lyons, Massey, Molett, McCane, McCarron, McIlwain, Nettles, Patton, Pearson, Pitts, Purifoy, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Mobile, Stribling, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Woolf, Winn—66.

Mr. Jack submitted the following report :

The select committee to whom was referred the message of his excellency the Governor, and accompanying, documents, relative to certain lands granted to Alabama under act of Congress of July 4th, 1836, and acts amendatory thereof, have had the same under consideration, and have instructed me to report the following memorial and resolution, for the consideration of the House.

W. P. JACK, Chairman.

The memorial and joint resolution reported were read and adopted.

By leave,

Mr. Waller, from the committee on corporations, reported favorably, with amendment, to the bill—

H. B. 510. To amend sections 2, 3, 8, 38, 39, 40, 45, 46, 47, 48, 49, 50, 51 and 54, of the charter of the city of Selma.

Amend section 1st by substitute.

Also, section 3 by substitute.

Also, section 4 by substitute.

The amendments were severally adopted,

And the bill ordered to a third reading forthwith, read the third time, and passed—yeas 65, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Billingslea, Boykin, Bradford, Caldwell, Campbell, Cooper, Clark of Conecuh, Clark of Mobile, Dark, Davis, Davidson, Dawson, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCarron, Nettles, Patton, Pearson, Pitts, Ramsey, Register, Reynolds, Riley, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Mobile, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams—Woolf—65.

By leave—

Mr. Clark of Mobile, from select committee, reported favorably to the bill—

H. B. 865. To authorize and empower the city of Eufaula to levy and collect license taxes upon any business occupation, avocation or employment that may be carried on within its corporate limits.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 72, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Boger, Boykin, Bradford, Caldwell, Campbell, Cooper, Clark of Conecuh, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McCarron, McIlwain, Nettles, Patton, Pearson, Pitts, Purifoy, Ramsey, Register, Reynolds, Riley, Rushing, Saunders of Madison, Sharpe, Sheid, Smith of Mobile, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Waller, Willett, Williams, Woolf—72.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
February 8, 1879:

*Mr. Speaker:*

The Senate has originated and passed, and ordered forthwith to the House, the following bills:



s. 312. To require railroad companies to give notice to consignees of the arrival of freight in certain cases ;

s. 378. To authorize the governor to transfer the lien and mortgage of the State of Alabama upon the property and franchises of the Montgomery & Eufaula railroad company.

s. 356. To arrange and number the districts and to fix the terms of the courts of the eastern chancery division.

W. L. CLAY,  
Secretary of Senate.

The Senate bills just received, whose titles are set out in the above message,

Were read once and ordered to a second reading on to-morrow.

MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
February 8, 1879.

*Mr. Speaker :*

The President of the Senate having signed the following bills, your signature is requested :

s. 337. Fixing the time of holding the circuit court in Chilton county in this State ;

s. 86. To carry into effect the intention of the congress of the United States in its donation of a certain quantity of land to the State of Alabama, by the act of July 2nd, 1862 ;

s. 253. To repeal an act in relation to trials for misdemeanors in Tuscaloosa and other counties therein named, approved March 19th, 1875, so far as as it relates to the county of Greene.

W. L. CLAY,  
Secretary.

And the Speaker, in the presence of the House, immediately after the titles had been publicly read, signed said bills — (the titles of which are set out in above message.)

On motion of Mr. McCarron—

The House adjourned until Monday morning at 10 o'clock.

## FORTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES,

MONDAY, February 10, 1879.

The House met pursuant to adjournment.

Prayer by Rev. Dr. Young, of Nashville.

Upon the call of the roll, the following members answered to their names :

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Lawrence, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Fosbee, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McDougald, McIlwain, Nettles, Owens, Patton, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Wood, Woolf, Winn—83.

Journal of Saturday read and approved.

By leave—

Mr. Lawrence offered the following resolution, which was adopted :

*Resolved*, That from the adoption of this resolution until the House has acted upon all House bills, debate shall be limited to five minutes, and no member shall be allowed to speak more than one time upon the same subject without unanimous consent of the House, and after to-day no House bills shall be passed or considered, except on amendments by the Senate.

## BILLS ON SECOND READING.

The Senate bills—

s. 260. To authorize the governor to purchase two hun-

dred copies of Clarke's manual of the law of crimes and criminal practice in Alabama ;

s. 312. To require railroad companies to give notice to consignees of the arrival of freight in certain cases ;

s. 115. To declare and fix the limitations of suits against the heirs or devisees of decedents ;

s. 364. To punish public drunkenness in this State ;

s. 341. To fix the times and places of holding the circuit courts in the third judicial circuit,

Were severally read the second time and referred to the judiciary committee.

The Senate bills—

s. 228. To amend an act to prohibit the sale of vinous, spirituous or other intoxicating liquors, except for sacramental purposes, within five miles of the Methodist church, near Thos. H. Phillips' place in Macon county, and Oak Grove station on the Montgomery & Eufaula railroad, in Montgomery county ;

s. 318. To prescribe the mode of granting license to sell spirituous liquors in Clarke county,

Were severally read the second time and referred to the committee on temperance.

The Senate bill—

s. 138. To authorize the issue of the bonds of the State to the amount of one million of dollars for the purpose of paying and retiring the obligations of the State issued under an act approved Dec. 19, 1873, to provide for funding the domestic debt of the State,

Was read the second time and referred to the committee on ways and means.

The Senate bill—

s. 374. To authorize and require the city councils of Montgomery and Selma to assess, levy and collect a special tax for quarantine and sanitary purposes, and to enforce the collection thereof by requiring voters of said cities to pay the same before registering for the purpose of voting at any election held to elect officers of said cities,

Was read the second time and referred to the committee on corporations.

The Senate bill—

s. 317. To regulate the hire of convicts sentenced to the penitentiary,

Was read the second time and referred to the committee on the penitentiary.

The Senate bill—

s. 355. For the relief of P. Sanguinetti,  
Was read the second time and referred to the committee on military.

On motion of Mr. Smith of Mobile,

The bill—

H. B. 91. To regulate the fine and forfeitures of the several counties,

Was taken from the table.

Also, on his motion, the vote by which Mr. Taylor of Lauderdale's amendment was adopted was reconsidered;

And the question recurring on the adoption of the amendment it was lost.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 81, nays 3.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Betts, Billingslea, Boger, Boykin, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Evans, Fonville, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Lauderdale, Walker, Waller, Willett, Woolf, Winn—81.

Nays—Messrs. English, Foshee and Thompson—3.

The title was amended by inserting "certain" for "several." By leave,

Mr. Walker offered the following resolution:

*Resolved*, That each standing committee be now called, commencing with the committee of ways and means, and that each of said committees, when called, have the floor for the purpose of reporting four bills and no more, preference being given to general bills.

Mr. Betts moved to amend that the portion as to reporting four bills should not apply to committee on ways and means.

Mr. Davis moved to lay amendment on the table.

Lost,

And the amendment was adopted.

Mr. Clark of Mobile moved to amend by adding: And that as soon as the standing committees are through, the special

committees shall have the privilege of reporting each one bill.

Lost.

The resolution was then adopted.

Mr. Davis offered the following resolution, which was adopted :

*Resolved*, That this House shall have night sessions from this time until adjournment, commencing at 7½ o'clock every night.

Mr. Betts, from the committee on ways and means, reported a substitute for the bill—

H. B. 447. To require the interest on State obligations to be paid at the office of the State treasurer, and not elsewhere.

The substitute entitled an act to amend paragraph one, of section 8, of an act to provide for the funding of the domestic debt of the State, approved December 19, 1873.

The substitute was adopted.

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 72, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Boger, Brooks, Caldwell, Cooper, Culver, Clark of Conecuh, Clark of Mobile, Critcher, Dark, Davis, Davidson, Dawson, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Muldon, McCane, McDougald, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Winn—72.

Also, from same committee, reported favorably to the bill—

H. B. 808. To authorize and exchange for certain coupons under an act entitled an act to ratify and confirm the settlement of the existing indebtedness of this State, as proposed in the report of the commissioners appointed under the act approved 17th December, 1874, and which was communicated to the General Assembly by message of the governor of 24th January, 1876, and to carry said settlement into effect by the issuance of new bonds of this State at a reduced rate of interest, in adjustment of a portion of said indebtedness, and the surreneer of certain securities held by the State in

discharge of another portion of said indebtedness, approved February 23, 1876.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 81, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Boger, Bradford, Caldwell, Campbell, Cooper, Clark of Conecuh, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, James, Jolley, Kennedy, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Molett, Muldon, McCane, McDougald, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Winn 81.

Also, from same committee, reported favorably to the bill—

H. B. 735. To amend section 401 of the Code of Alabama.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 89, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cooper, Culver, Curtis, Clark of Conecuh, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Muldon, McCane, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Winn—89.

Also, from same committee, reported a substitute for the bill—

H. B. 715. To compensate the tax collectors of this State.

The substitute, entitled an act to authorize the auditor to

correct errors, in settlements with tax collectors, and draw his warrants for amounts found due thereon.

The substitute was adopted,

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 76, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Bradford, Caldwell, Cooper, Culver, Clark of Conecuh, Critcher, Crutcher, Dark, Davis, Davidson, English, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lowther, Lyons, Massey, Molett, Muldon, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Wood, Woolf Winn—76.

Also, from same committee, reported favorably to the bill—

H. B. 378. To amend section 439 of the Code of Alabama.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 71, nays 0.

Yeas—Messrs. Speaker, Alexander, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Boykin, Brooks, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Conecuh, Clark of Lawrence, Crutcher, Dark, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lowther, Lyons, Massey, Muldon, McDougald, Nettles, Owens, Patton, Pearson, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Willett, Wood, Woolf—71.

Also, from same committee, reported favorably, with amendment, to the bill—

H. B. 596. To refund excess of license paid.

Amend by striking out preamble.

The amendment was agreed to,

And the bill ordered to a third reading forthwith, read the third time, and passed—yeas 71, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Alexander,

Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Boykin, Caldwell, Campbell, Cooper, Culver, Curtis, Clark of Lawrence, Critcher, Dark, Davis, Davidson, Dawson, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawson, Lee, Legg, Lowther, Lyons, Massey, Muldon, Nettles, Nicholson, Owens, Patton, Pearson, Purifoy, Ramsey, Register, Reynolds, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Wood, Woolf, Winn—71.

Mr. Lawrence voted nay.

Also, from same committee, reported favorably to the bill—

H. B. 674. To amend subdivision 8 of section 494 of the Code of Alabama.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 72, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Alexander, Armstrong, Bailey, Betts, Billingslea, Boger, Bowdon, Caldwell, Cooper, Curtis, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Huey, Jack, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Molett, Muldon, McCane, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Rushing, Sanders of Lamar, Saunders of Madison, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—72.

On motion of Mr. Woolf, the vote referring Senate bill 374 to the committee on corporations was reconsidered, and the bill referred to a select committee, consisting of the Montgomery and Dallas delegation.

Mr. Betts, from same committee, reported favorably to the bill—

H. B. 714. To amend first subdivision of paragraph 3 of section 494 of the Code of Alabama.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 80, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Bowdon, Boykin, Caldwell, Campbell, Cooper,



Culver, Curtis, Clark of Mobile, Crutcher, Dark, Davis Davidson, Dawson, Dolive, English, Evans, Fonville, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Huey, Jack, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McDougald, McIlwain, Nettles, Patton, Pearson, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Lauderdale, Thompson, Waller, Willett, Williams, Wood, Woolf, Winn—80.

Also, from same committee, reported favorably to the bill—H. B. 807. To amend section 566 of the Code of Alabama.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 80, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Boger, Bowdon, Boykin, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Lawrence, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McDougald, McIlwain, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Ramsey, Register, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Thompson, Walker, Willett, Williams, Wood, Woolf—80.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
February 10, 1879.

*Mr. Speaker :*

The Senate has originated and passed the following bills, and ordered them forthwith to the House :

s. 333. To regulate the employment of the militia and volunteer forces of Alabama in the enforcement of the laws thereof.

s. 319. To amend section 2735 and 2737 of the Code.

s. 379 To fix the time of holding the courts in the 7th judicial circuit.

s. 219. To exempt a growing crop from levy under legal process, except for the enforcement of liens thereon.

s. 189. To declare the legal status of religious denominations incorporated under the general law, as contained in Clay's digest, and to permit said incorporations, at their option, to change the name and number of their officers or managers, and to change their articles of government.

s. 230. To refund to Josiah Morris & Co. moneys expended by them as custodians of State bonds deposited with them in escrow by Governor David P. Lewis, under contract with Balch and associates.

s. 305. To authorize and empower the mayor and council of the town of Union Springs, Bullock county, Alabama, to require a license of livery stable keepers.

s. 328. For the relief of Walker county.

And has amended, as therein shown, and passed House bill—

H. B. 743. To provide for the payment of the expenses of the joint committee appointed to visit and inspect the Alabama Insane Hospital and the State University, at Tuscaloosa, Alabama, and the joint committee appointed to visit the Deaf, Dumb and Blind Institute at Talladega, Alabama; also, of the joint committee to visit the normal school at Florence, Alabama.

And has originated and passed the following bills—

s. 217. To create a fund for the payment of the fees of officers and State witnesses in criminal cases, and provide for the disbursement of the same.

And has passed the following House bills—

H. B. 818. To repeal subdivision three of section 651 (750) of the Code of 1876, concerning the time of holding the circuit court of Talladega county, and by amending said section to prescribe a different time for holding said court.

H. B. 654. To appropriate two hundred and fifty-nine sixty one-hundredths dollars to pay for repairs on the hall of the House of Representatives.

H. B. 646. To provide for the payment of the expenses of the joint committee of the two houses appointed to investigate the legality of the sales and the returns of the swamp and overflowed lands.

And has amended, by way of substitute, as therein shown, and passed the House bill—

H. B. 373. To authorize the auditor to draw his warrant in favor of J. D. Hudson, doorkeeper of the House, for furniture, repairs, &c., furnished the House.

The Senate has originated and passed the bills, and ordered same to the House without engrossment:

s. 271. To amend section 4207 of the Code.

s. 323. To require the commissioners' court of Henry county to make an appropriation to aid in the erection of a court-house and jail in Geneva county.

s. 208. To provide for the circuit court of Montgomery county being held by the judge of the eighth judicial circuit, without affecting the office of solicitor in said county of Montgomery.

s. 274. To amend section 1633 of the Code.

W. L. CLAY,  
Secretary of Senate.

The Senate bills just received, their titles being set out in the above message (s. 333, s. 319, s. 379, s. 219, s. 189, s. 230, s. 305, s. 328, s. 312, s. 217, s. 271, s. 323, s. 208, s. 274)—

Were severally read once and ordered to a second reading on to-morrow.

Mr. Betts, from same committee, reported favorably to the bill—

H. B. 711. To amend paragraph 14 of section 494 of the Code.

The bill was then ordered to a third reading forthwith, read the third time, and passed—yeas 49, nays 17.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Ash, Bailey, Betts, Boger, Bowdon, Boykin, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Conecuh, Critcher, Dolive, Huey, Jack, Kirkpatrick, Lee, Lyons, Massey, Molett, Muldon, McCane, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Taylor of Lauderdale, Willett, Williams, Wood, Woolf, Winn—49.

Nays—Messrs. Armstrong, Crutcher, Dark, Davis, Davidson, Dawson, Fonville, Foshee, Fuller, Gilbert, Hearn, Heacock, Kennedy, Lawrence, Saunders of Madison, Sheid and Thompson—17.

Also, favorably to the bill—

H. B. 573. To amend subdivision 21 of section 495 of the Code.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 46, nays 30.

Yeas—Messrs. Speaker, Ash, Betts, Boger, Bowdon, Boykin, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Conecuh, Clark of Lawrence, Critcher, Crutcher, Dolive, Fonville, Foster of Barbour, Fuller, Hand, Hughes, Huey,

Jolley, Lawson, Lowther, Lyons, Martin, Massey, Molett, Muldon, Nettles, Nicholson, Patton, Pearson, Purifoy, Register, Reynolds, Riley, Rushing, Smith of Autauga, Smith of Mobile, Taylor of Choctaw, Williams, Woolf, Winn—46.

Nays—Messrs. Akers of Jefferson, Akers of Marion, Armstrong, Billingslea, Curtis, Dark, Davis, Davidson, Dawson, Foshee, Fletcher, Gilbert, Griggs, Hearn, Heacock, Jack, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Pitts, Sanders of Lamar, Saunders of Madison Sharpe, Sheid, Smith of Lowndes, Steele, Taylor of Choctaw, Thompson, Willett—30.

The title was amended so as to make it 494 instead of 495.

Also, reported favorably to the bill—

H. B. 349. For the relief of S. W. House, of Elmore county.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 76, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Boykin, Brooks, Caldwell, Cochran, Cooper, Culver, Curtis, Clark of Conecuh, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Hutto, James, Jolley, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Muldon, McCane, Nettles, Nicholson, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—76.

Also, reported substitute for the bill—

H. B. 418. For the relief of J. K. McBride, tax collector of Lawrence county.

The substitute was adopted—

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 72, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Alexander, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Caldwell, Cochran, Cooper, Culver, Curtis, Clark of Conecuh, Critcher, Crutcher, Dark, Davis, Davidson, Dolive, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Molett, Muldon, McCane, Nettles, Nicholson, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of

Choctaw, Thompson, Walker, Williams, Wood, Woolf, Winn—72.

Also, reported favorably to the bill—

H. B. 275. For the relief of Thomas S. Paschal, of Russell county.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 74, nays 0.

Yeas—Speaker, Messrs. Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Boger, Campbell, Cochrane, Cooper, Culver, Curtis, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, English, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Martin, Massey, Molett, Muldon, McCane, McDougald, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Williams, Wood, Woolf, Winn—74.

Also, reported favorably to the bill—

H. B. 733. To amend paragraph 6 of section 358 of the Code.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 68, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Caldwell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Critcher, Dark, Davidson, Dawson, Fonville, Foshee, Fuller, Fletcher, Griggs, Hand, Hearn, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Lowther, Massey, Muldon, McCane, McDougald, McIlwain, Nettles, Patton, Pearson, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Thompson, Walker, Williams, Wood, Woolf, Winn—68.

#### EDUCATION.

Mr. Foster of Barbour, from the committee on education, reported favorably, with amendment, to the bill—

H. B. 604. To provide for the establishment of a separate school district at Helena, Shelby county, Alabama.

Amend by striking out section 2 of the bill.

The amendment was adopted.

Mr. Davis moved to amend by striking out section 8.

Mr. Armstrong moved to lay the bill on the table.

Lost.

Mr. Foster of Barbour moved to lay the amendment of Mr. Davis on the table.

Lost.

Yeas 29, nays 52.

Yeas—Messrs. Akers of Jefferson, Alexander, Ash, Bailey, Boykin, Culver, Clark of Conecuh, Clark of Mobile, Dark, Foster of Barbour, Fuller, Huey, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Lowther, Massey, McCane, McIlwain, Nettles, Pitts, Ramsey, Smith of Mobile, Stribling, Williams, Wood—29.

Nays—Messrs. Speaker, Akers of Marion, Armstrong, Betts, Boger, Brooks, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Lawrence, Crutcher, Davis, Davidson, English, Evans, Fonville, Foshee, Foster of Macon, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Hutto, Jack, Legg, Molett, Nicholson, Patton, Pearson, Purifoy, Ralls, Reynolds, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Woolf, Winn—52.

The amendment was adopted.

Mr. Foster of Barbour offered the following amendments :

1st. Strike out the words "trustees" and insert "township superintendents."

Strike out sections 5, 10 and 13—re-number sections.

The amendments were adopted,

And the bill ordered to a third reading forthwith, read the third time, and passed—yeas 78, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Betts, Billingslea, Boykin, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Crutcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Lowther, Lyons, Massey, Molett, McCane, McDougald, McIlwain, Nettles, Nicholson, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Smith of Autauga, Smith of

Lowndes, Stribling, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—78.

Mr. Boger voted nay.

Also, reported favorably to the bill—

H. B. 625. To establish a separate school district in Barbour county, to be known as the Clayton school district.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 78, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Billingslea, Boykin, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawson, Lee, Legg, Lowther, Lyons, Massey, Molett, McCane, McDougald, McIlwain, Nettles, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Williams, Wood, Woolf, Winn—78.

Mr. Boger voted nay.

Also, reported favorably to the bill—

H. B. 660. To authorize and require the State Auditor to draw his warrant on the State Treasurer for the balance of the school fund, exclusive of poll tax, due the county of Lawrence, for the scholastic year ending September 30, 1877.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 68, nays 7.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Betts, Billingslea, Boger, Boykin, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Davis, Davidson, Dawson, Dolive, English, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Jack, Kirkpatrick, Lawson, Lee, Legg, Lowther, Lyons, Molett, McCane, McIlwain, Nicholson, Patton, Pearson, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Lauderdale, Williams, Wood, Woolf, Winn—68.

Nays—Messrs. Dark, Jolley, Kennedy, Lawrence, Sheid, Thompson and Willett—7.

Mr. Akers of Jefferson gave notice of a motion to reconsider the vote just taken.

Leave of absence was granted—

Mr. McCarron for to-day, on account of sickness.

Mr. Foster of Barbour, from committee on education, reported favorably to the bill—

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 82, nays 0.

H. B. 706. To amend section 1255 of the Code of Alabama.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Boykin, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, McCane, McDougald, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—82.

#### MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,  
MONTGOMERY, ALA., Feb. 10, 1879.

*Mr. Speaker:*

The governor has approved the following bills, which originated in the House:

H. B. 591. To provide for a county solicitor for Mobile county.

H. B. 306. To regulate the times for holding the chancery court in and for the northern division of Alabama.

H. B. 432. To amend section 276 of the Code of Alabama.

H. B. 472. To amend section 12 of the charter of Athens, Limestone county, Alabama.

Very respectfully,

THOS. H. REYNOLDS,  
Recording Secretary.



## MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
February 10, 1879.

*Mr. Speaker :*

The Senate has concurred in the House amendments to the bill—

s. 173. For the better protection of the planters in the counties of Marengo, Monroe, Clarke and Choctaw.

And has originated and passed the bills, and ordered them forthwith to the House :

s. 375. To establish the normal school of southeast Alabama at Clayton.

s. 334. To remove and transfer the administration on the estate of Mary L. Gayle, deceased, from the probate court of Mobile county to the probate court of Dallas county, and to confer jurisdiction of said estate upon said probate court of Dallas county.

And has adopted House joint resolution and memorial to Congress—

H. B. 867. Asking an extension of the time within which the State of Alabama may select the lands of the Chickasaw cession in Alabama.

W. L. CLAY,  
Secretary.

The Senate bills just received, their titles being set out in the above message—

s. 173, s. 375, s. 334—

Were severally read once and ordered to a second reading on to-morrow.

## CORPORATIONS.

Mr. Waller, from the committee on corporations, reported favorably to the Senate bill—

s. 238. To change the name of the Selma Savings Bank to the Commercial Bank of Selma.

The bill was ordered to a third reading forthwith, and read the third time and passed—yeas 73, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Ash, Betts, Billingslea, Boger, Boykin, Caldwell, Campbell, Cochran, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Fonville, Foshee, Foster of Barbour, Foster of Ma-

con, Fuller, Fletcher, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Massey, Molett, McCane, McIlwain, Nettles, Patton, Pearson, Purifoy, Ralls, Ramsey, Register, Reynolds, Rushing, Sanders of Lamar, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—73.

Also, reported a substitute for the bill—

H. B. 569. To incorporate the West Dallas Agricultural and Mechanical Association of Dallas county.

The substitute was adopted,

And the bill ordered to a third reading forthwith, read the third time, and passed—yeas 73, nays 0.

Yeas—Messrs. Speaker, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Boykin, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Molett, McCane, McIlwain, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Reynolds, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—73.

Also, reported favorably, with amendment, to the bill—

H. B. 736. To authorize railroad companies chartered by this State to make leases.

Amend by inserting after words "existing" in section 4, the following:

And to executions and other process issued for the enforcement of judgments that have been rendered, or that may be rendered in any suits against said corporations, pending in any of the courts of this State at the time when such lease is executed.

The amendment was adopted.

And the bill ordered to a third reading forthwith, and read the third time, and passed—yeas 68, nays 1.

Yeas—Messrs. Speaker, Armstrong, Ash, Bailey, Betts, Boger, Boykin, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler,

Hand, Hearn, Heacock, Hughes, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Lowther, Lyons, Massey, Molett, Nettles, Nicholson, Patton, Pearson, Pitts, Ralls, Ramsey, Register, Reynolds, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—68.

Mr. Smith of Mobile voted nay.

Mr. Clark of Mobile gave notice of a motion to reconsider the vote just taken.

Mr. Pearson submitted the following report :

REPORT OF THE JOINT COMMITTEE TO VISIT THE AGRICULTURAL AND  
MECHANICAL COLLEGE.

*To the Senate and House of Representatives of the State of Alabama :*

The committee to whom was assigned the duty of visiting the Agricultural and Mechanical College at Auburn, beg leave to report: That in the discharge of that duty we visited the institution on the 28th inst., and, as far as our limited time allowed, made a thorough examination of its condition.

The College is eligibly located on the Western Railroad, sixty miles northeast of Montgomery, in the town of Auburn, one of the most elevated railroad points in the State, being eight hundred and fifty feet above tide-water level, and in the midst of a community noted for its social excellence, thus securing to its inmates the most favorable conditions for health and morality. The building is an imposing brick structure, four stories high, admirably arranged for college purposes, which was erected at a cost of about one hundred thousand dollars.

Its endowment consists of \$253,000. The proceeds of the sale of lands donated by the General Government and invested in Alabama eight per cent. bonds, yielding an annual income of \$20,240, which, under the condition of the grant, is exclusively employed in the payment of professors' salaries and other necessary current expenses.

No charge is made for tuition, and therefore income from its endowment, supplemented by a small fee of ten dollars, for incidental expenses, paid by each student, constitutes the entire available resources of the College. This sum is barely sufficient to meet the wants of the institution in defraying its necessary annual expenditures, allowing an inconsiderable

appropriation, for the purchase of apparatus, museum, library and other appliances indispensable to a college intended to afford the highest order of literary and scientific education.

The act of Congress under which this and other similar institutions in other states have been organized, requires that, while the branches of learning embraced in the ordinary college curriculum should not be neglected, special attention must be given to those sciences, which relate to agricultural and mechanic arts, and that military tactics should be taught as a feature of the regular course of study. These requirements necessitate either an enlarged faculty, or a material increase in the amount of labor performed by the instructors. The faculty now consists of ten gentlemen of superior attainments and ripe experience, who appears, from the recent report of the President, are performing an amount of labor rarely equalled in an institution of similar grade.

The facilities for instruction in the way of experimental farm, laboratories, apparatus, cabinets and field instruments are as ample as the means at the disposal of the Trustees will allow, but the complete equipment of the institution in these respects would require an outlay beyond the present resources of the College.

Other States have made liberal appropriations in aid of their agricultural and mechanical college, and we hope the day is not far distant when Alabama will be both willing and able to provide as liberally and wisely for her own industrial college and thus secure to her sons within her border, all the advantages of the most advanced scientific culture. It should be an object of patriotic desire with our Legislators to place our home institution upon a basis with the best in the Union. No enterprise can present more claims to the fostering care of the State than one like this, which is intended to prepare our young men for honorable and useful avocations.

The Corps of Cadets number about two hundred and fifty, representing, besides our own State, Maryland, Virginia, North and South Carolina, Georgia, Florida and Louisiana, and is a body of as fine looking young men as can be found in any similar institution.

The committee were most favorably impressed with their robust appearance, good order and gentlemanly deportment, and were pleased to hear them commended both by the faculty and the citizens of Auburn for their scholarly and exemplary habits.

They board in the private families of the community, and

are thus surrounded with the restraining and refining influences of home life, the want of which so often ruins the habits and wrecks the fortune of college bred youths. The military discipline, to which they are subjected, secures healthful exercise, fine physical development, manly bearing, and contributes to the good government which prevails throughout the College. We were also gratified at the indications of interest taken in the two literary societies, each having a large and well furnished hall, for the purpose of debate and literary exercises. In conclusion, the committee unanimously concur in the opinion that the A. & M. College of Alabama is an institution of which the State may boast and which her people would do well to patronize. Its course of study is as enlarged, its system as able, its corps of students as well ordered, as can be found in any institution of the South. We commend it to the confidence of the public and to the fostering care of the State.

P. N. DUNCAN,  
W. C. ROSAMOND,

Committee on the part of the Senate.

W. G. B. PEARSON,  
CHAS. F. MASSEY,  
JNO. LAWRENCE,

Committee on the part of the House.

The report was received and ordered to lie on the table.

#### LOCAL LEGISLATION.

Mr. Taylor of Lauderdale, from the committee on local legislation, reported favorably to the bill—

H. B. 815. To authorize the people of Henry county to vote on the question of removing the county seat of said county, and to permanently locate the same.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 70, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Betts, Boger, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Molett, McIlwain, Nettles, Nicholou, Patton, Pearson, Purifoy, Ralls, Ramsey, Reynolds, Rushing, Sheid, Smith of Autauga, Smith of

Lowndes, Stribling, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—70.

Also, from same committee, reported favorably to the bill—

H. B. 704. To authorize the payment of interest upon certain claims against the county of Wilcox.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 67, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Ash, Betts, Billingslea, Boger, Boykin, Caldwell, Cochrane, Cooper, Culver, Curtis, Critcher, Dark, Davis, Davidson, English, Evans, Fonville, Foshee, Foster of Macon, Fuller, Gilbert, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Molett, Muldon, McCane, Nettles, Nicholson, Patton, Pearson, Ralls, Register, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Winn—67.

Also, from same committee, reported favorably to the bill—

H. B. 309. To empower the court of county commissioners of Monroe county to levy a special tax, and to compromise outstanding claims therein mentioned against said county.

Mr. Lyons moved to amend so as to include Escambia county.

Adopted.

And the bill was ordered to a third reading forthwith, read the third time and passed—yeas 73, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Ash, Bailey, Betts, Boger, Bowdon, Boykin, Brooks, Caldwell, Campbell, Cooper, Culver, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Lowther, Lyons, Massey, Molett, McCane, McIlwain, Nettles, Nicholson, Patton, Pearson, Ralls, Register, Reynolds, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—73.

Also, from same committee, reported favorably to the bill—

H. B. 11. To repeal sections 718 to 724 inclusive, and to

repeal sections 4702 to 4731 inclusive, of the Code of Alabama of 1876, so far as said sections relate to the county of Perry.

The substitute was adopted,

And the bill ordered to a third reading forthwith, read the third time, and passed—yeas 73, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Boger, Boykin, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Mobile, Crutcher, Dark, Dawson, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Martin, Massey, Molett, Muldon, McCane, McIlwain, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Register, Reynolds, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Lauderdale, Thompson, Walker, Willett, Wood, Woolf, Winn—73.

On motion, the House took a recess until 4 P. M.

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#### AFTERNOON SESSION.

The House reassembled at the hour of 4 P. M.

On motion of Mr. Cochrane,

The House concurred in the amendments of the Senate to the bill—

H. B. 743. To pay the expenses of certain joint committees in visiting the public institutions of the State.

Yeas 64, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Alexander, Armstrong, Ash, Bailey, Betts, Billingslea, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Evans, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, McIlwain, Nicholson, Patton, Pearson, Pitts, Ramsey, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Steele, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—64.

Mr. Lowther, from the committee on accounts and claims, reported favorably, with amendment, to the bill—

H. B. 756. For the relief of the estate of Wm. Dougherty, deceased.

Amend by adding after word "just," the following: "That the amount of said compensation shall not exceed one thousand dollars."

The amendment was adopted,

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 41, nays 24.

Yeas—Messrs. Speaker, Alexander, Armstrong, Boger, Caldwell, Cochrane, Cooper, Culver, Clark of Mobile, Critcher, Dark, Dawson, Fonville, Foster of Barbour, Fuller, Haigler, Hand, Heacock, James, Kirkpatrick, Lawson, Lee, Lowther, Lyons, Massey, Nicholson, Owens, Patton, Pearson, Purifoy, Ralls, Ramsey, Register, Riley, Sharpe, Sheid, Taylor of Choctaw, Williams, Wood, Woolf, Winn—41.

Nays—Messrs. Akers of Jefferson, Akers of Marion, Betts, Billingslea, Curtis, Crutcher, Davis, Davidson, Evans, Foshee, Fletcher, Gilbert, Hearn, Hughes, Hutto, Jack, Kennedy, Lawrence, Legg, Pitts, Sanders of Lamar, Saunders of Madison, Taylor of Lauderdale, Thompson—24.

Also, from same committee, reported favorably, with amendment, to the bill—

H. B. 592. For the relief of C. E. Thames & Co.

Amend by striking out the words: with interest from July 13th, 1872.

The amendment was adopted,

And the bill ordered to a third reading forthwith, read the third time, and passed—yeas 71, nays 2.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Betts, Billingslea, Boger, Boykin, Caldwell, Campbell, Cooper, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Dark, Davis, Davidson, Dawson, Fonville, Foshee, Foster of Barbour, Fuller, Gilbert, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawson, Legg, Lowther, Lyons, Massey, Molett, Muldon, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—71.

Nays—Messrs. Lee and Saunders of Madison—2.



Mr. Smith of Mobile moved to reconsider the vote by which the bill passed—

H. B. 736. To authorize railroad companies chartered in this State to make leases;

Also, vote ordering the bill to a third reading forthwith,

Which was agreed to.

Mr. Smith of Mobile moved to amend by striking out the words "person or persons, association or corporation" in 7th line of section 1, and insert "corporation created under the laws of Alabama for the purpose of operating a railroad or railroads."

The amendment was adopted,

And the bill was ordered to a third reading forthwith, read the third time, and passed—yeas 64, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Brooks, Caldwell, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Fonville, Foshee, Foster of Barbour, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lowther, Lyons, Molett, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ramsey, Register, Reynolds, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—64.

Mr. Williams, from the committee on privileges and elections, reported favorably to the bill—

H. B. 780. To amend section 286 of the Code of Alabama.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 65, nays 6.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Billingslea, Caldwell, Cooper, Clark of Conecuh, Critcher, Crutcher, Dark, Davidson, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Huey, Hutto, James, Jolley, Kennedy, Kirkpatrick, Lawson, Lee, Legg, Lowther, Lyons, Massey, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Purifoy, Ralls, Ramsey, Reynolds, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—65.

Nays—Messrs. Boger, Davis, Evans, Gilbert, Jack and Steele—6.

Mr. Taylor of Lauderdale, from the committee on local legislation, reported favorably to the bill—

H. B. 688. To repeal an act to require the court of county commissioners and treasurer of Jefferson county to publish semi-annual exhibits of the receipts and expenditures of money for and on account of said county, approved March 8, 1876.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 68, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Ash, Bailey, Betts, Billingslea, Boger, Boykin, Caldwell, Cochrane, Cooper, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Dark, Davis, Davidson, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Hutto, Jack, Jolley, Kennedy, Lawrence, Lawson, Lee, Lowther, Lyons, Massey, McCane, McIlwain, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Ramsey, Reynolds, Riley, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—68.

Mr. James voted nay.

Mr. Ralls, from the committee on counties and county boundaries, reported favorably to the bill—

H. B. 788. To change the boundary line between the counties of Etowah and Calhoun.

The bill ordered to a third reading forthwith, read the third time, and passed—yeas 73, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Boger, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Critcher, Crutcher, Dark, Davis, Davidson, Evans, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Muldon, McCane, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—73.

Mr. Martin voted nay.

Also, from same committee, reported favorably to the bill—

H. B. 830. To change the boundary line between the counties of Jefferson and Blount.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 71, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Betts, Boger, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, English, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Hughes, Huey, Hutto, Jack, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, McCane, Nettles, Nicholson, Owens, Patton, Pearson, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—71.

Also, from same committee, reported favorably to the bill—  
H. B. 763. To change the county boundary line between the counties of Lee and Macon.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 72, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Boger, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Evans, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Hutto, Jack, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Lowther, Lyons, Massey, McCane, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—72.

Also, from same committee, reported favorably to the bill—  
H. B. 866. To change the name of Geneva county to Gordon county.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 70, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Alexander, Armstrong, Ash, Betts, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Dark, Davis, English, Evans, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Kennedy, Kirkpatrick, Lawrence,

Lawson, Lee, Lowther, Lyons, Massey, McCane, Nettles, Nicholson, Owens, Patton, Pearson, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf, Winn—70.

#### PUBLIC ROADS AND HIGHWAYS.

Mr. Pearson, from the committee on public roads and highways, reported favorably to the bill—

H. B. 845. To declare Pea river, from the northeast boundary of Coffee county to its confluence at Geneva, a lawful fence.

Mr. Lawrence moved—

To amend so as to extend the provisions of the act to the Coosa river in Cherokee county.

The amendment was adopted—

And the bill ordered to a third reading forthwith, read the third time, and passed—yeas 69, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Evans, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Lowther, Lyons, Massey, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Reynolds, Rushing, Sanders of Lamar, Saunders of Madison, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn.—69.

Mr. Boger voted nay.

Also, from the same committee, reported favorably to the bill—

H. B. 731. To authorize the commissioners' court of Marshall county to establish free ferries.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 74, nays 0.

Yeas—Messrs. Speaker, Akers of J., Akers of M., Alexander, Armstrong, Ash, Bailey, Betts, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Dawson, Evans, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Hea-

cock, Hughes, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Lowther, Lyons, Massey, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—74.

# MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
February 10, 1879.

*Mr. Speaker:*

The President of the Senate having signed the following bills, your signature is requested :

s. 238. To change the name of the Selma Savings Bank to the Commercial Bank of Selma.

s. 173. For the better protection of the planters in the counties of Marengo, Monroe, Clarke, Choctaw, Pickens, Greene and Talladega.

W. L. CLAY,  
Secretary.

And the Speaker, in the presence of the House, immediately after the titles had been publicly read, signed said bills.

On motion of Mr. Pearson—

One thousand copies of the report of the committee to visit the Agricultural and Mechanical College—

Were ordered printed.

# STATE CAPITOL.

Mr. Lawrence—

From the committee on State capitol—

Reported favorably, with amendment, to the bill—

H. B. 783. To regulate the number and to fix the pay of employees at or about the State capitol.

Amend—

By striking out six hundred and inserting seven hundred and fifty.

Mr. Williams moved to amend the amendment—

By inserting nine hundred in lieu of seven hundred and fifty.

Adopted—

And the amendment, as amended, was adopted.

Mr. Boykin moved to lay the bill on the table.  
The motion was agreed to.

#### APPROPRIATIONS.

Mr. Boykin—

From the committee on appropriations—

Reported favorably to the bill—

H. B. 750. To amend section 1317 of the Code of Alabama.

The bill was ordered to a third reading forthwith, and read the third time.

Mr. Williams moved—

To reconsider the vote by which the bill was ordered to a third reading, in order that he might move

To amend so as to make the appropriation \$15,000 instead of \$12,500.

The House refused to reconsider.

The bill was then passed—yeas 64, nays 10.

Yeas—Messrs. Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Billingslea, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Dawson, English, Evans, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hearn, Hughes, Huey, Jack, Jolley, Kirkpatrick, Lee, Lowther, Massey, Muldon, McCane, Nettles, Nicholson, Owens, Patton, Pearson, Purifoy, Ralls, Ramsey, Register, Riley, Rushing, Sanders of Lamar, Sharpe, Smith of Autauga, Steele, Stribling, Taylor of Lauderdale, Waller, Willett, Wood, Winn—64.

Nays—Messrs. Speaker, Bowdon, Foster of Barbour, Hand, Kennedy, Lawrence, Lawson, Thompson, Williams, Woolf—10.

Also, from same committee, reported favorably to the bill—

H. B. 786. For the relief of James W. Locke.

The bill was ordered to a third reading forthwith, read the third time and lost—yeas 25, nays 44.

Yeas—Messrs. Boger, Boykin, Bradford, Caldwell, Cochrane, Culver, Fuller, James, Kirkpatrick, Lawson, Lowther, Martin, McCane, Nicholson, Pearson, Purifoy, Register, Riley, Sharpe, Smith of Autauga, Stribling, Waller, Williams, Wood, Woolf, Winn—25

Nays—Messrs. Akers of Jefferson, Armstrong, Betts, Brooks, Cooper, Curtis, Critcher, Crutcher, Dark, Davis, Dawson, English, Evans, Fonville, Foshee, Foster of Barbour,

Foster of Macon, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Jack, Kennedy, Lawrence, Lee, Legg, Massey, Owens, Patton, Pitts, Ralls, Reynolds, Sanders of Lamar, Saunders of Madison, Sheid, Steele, Taylor of Lauderdale, Thompson, Walker, Willett—44.

Mr. Waller moved to reconsider the vote just taken.

Mr. Lawrence moved to lay the motion on the table.

Agreed to.

Mr. Woolf, from the committee on judiciary, reported favorably to the bill—

H. B. 534. To require fines and forfeitures in Mobile county to be hereafter paid and collected in lawful money of the United States.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 69, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Bowdon, Bradford, Caldwell, Cochrane, Cooper, Curtis, Clark of Mobile, Crutcher, Dark, Davis, Dawson, Fonville, Foshee, Foster of Macon, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Massey, Muldon, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Willet, Williams, Wood, Woolf, Winn—69.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
February 10, 1879.

*Mr. Speaker:*

The Senate has originated and passed the following bill:

s. 280. To fix the salaries of the judges of the supreme court.

And has amended, as therein shown, and passed the bills:

H. B. 276. To repeal an act in relation to the fine and forfeiture fund of Tuscaloosa and other counties therein named, so far as the same relates to the county of Tuscaloosa.

H. B. 433. To amend section 274 of the Code of Alabama.

W. L. CLAY,  
Secretary of Senate.

The Senate bill just received, the title of which is set out in the above message (s. 280)—

Was read once and ordered to a second reading on tomorrow.

Mr. Woolf submitted the following report, which was ordered to be spread upon the journal:

The majority of the judiciary committee, on the matter of mileage of members of the House and the pay of the President of the Senate and Speaker of the House, report:

1. That they are of opinion that the mileage of members of the House for coming to and returning before the recess should be computed according to the statute then in existence, and not under the bill passed at the present session.

2. We are of opinion that the President of the Senate and Speaker of the House of Representatives are entitled to ten dollars each per day to the time of the approval of the act passed at the present session reducing the pay, and that since that time they are entitled to only six dollars per day.

H. A. WOOLF,  
E. D. WILLETT,  
WM. A. WALKER,  
B. F. TAYLOR,  
J. LITTLE SMITH,  
W. F. FOSTER,  
LYMAN W. MARTIN.

I agree to the above report, except that I think mileage both before and after the recess should be governed by the act fixing mileage at the present session.

JNO. A. FOSTER.

On motion, the House took a recess until 7:30 P. M.

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#### NIGHT SESSION.

The House reassembled at the hour of 7:30 P. M.

Mr. Dark, from select committee, reported favorably to the bill—

H. B. 832. To repeal an act to change the apportioning of hands on roads in Tallapoosa county, approved March 1, 1870.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 56, nays 0.



Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Billingslea, Boger, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Dawson, Dolive, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Heacock, Jack, James, Lawrence, Lyons, Massey, Molett, Patton, Pearson, Purifoy, Ralls, Ramsey, Register, Reynolds, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Mobile, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—56.

Mr. Stribling offered the following resolution, which, on motion of Mr. Clark of Mobile, was laid on the table:

*Resolved*, That during the remainder of this session no report shall be made upon bills upon which the committee to whom the same is referred are unanimous in recommending an adverse report.

Mr. Purifoy, from the committee on agriculture and commerce, reported favorably to the bill—

H. B. 594. To regulate the distribution of the fees of the wardens of the port of Mobile.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 68, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Betts, Billingslea, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Dawson, Dolive, Fonville, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Hutto, Jack, James, Kirkpatrick, Lawrence, Lawson, Legg, Lyons, Massey, Muldon, Nettles, Nicholson, Patton, Pearson, Purifoy, Ramsey, Reynolds, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Lowndes, Stribling, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf—68.

Also, from the same committee, reported favorably to the bill—

H. B. 797. To relieve regular steam packets from taking a pilot under certain circumstances.

Mr. Smith of Mobile moved to amend by striking out the words "frequent or."

Adopted.

Mr. Dolive moved to lay the bill on the table.

Lost.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 50, nays 20.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Betts, Bowdon, Boykin, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Dark, Davis, Davidson, Dawson, Foster of Macon, Fuller, Fletcher, Gilbert, Huey, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Molett, Nicholson, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Taylor of Lauderdale, Walker, Willett, Williams, Wood—50.

Nays—Messrs. Boger, Bradford, Clark of Lawrence, Dolive, Fonville, Griggs, Heacock, Hughes, Jack, Lyons, Muldon, McCane, Nettles, Patton, Ramsey, Riley, Smith of Mobile, Stribling, Thompson, Woolf—20.

Mr. Clark of Mobile moved to reconsider the vote just taken;

And to lay that motion on the table.

The latter motion prevailed.

Mr. Purifoy, from same committee, reported favorably to the bill—

H. B. 842. To amend section 2 and section 4 of an act to abolish fencing in certain portions of Montgomery county, approved Jan. 29, 1867.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 71, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Alexander, Armstrong, Ash, Bowdon, Boykin, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Lawrence, Clark of Mobile, Critcher, Dark, Davis, Davidson, Dawson, Dolive, Fonville, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lyons, Massey, Muldon, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Lowndes, Smith of Mobile, Thompson, Walker, Willett, Williams, Wood, Woolf—71.

Mr. Boger voted nay.

Also, from same committee, reported favorably to the bill—

H. B. 833. To repeal section 1618 of the Code of Alabama.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 69, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Arm-

strong, Ash, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campell, Cochrane, Cooper, Culver, Curtis, Clark of Lawrence, Clark of Mobile, Critcher, Dark, Davis, Davidson, Dawson, Dolive, Fonville, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Huey, Hutto, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lyons, Massey, Muldon, McIlwain, Nettles, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Lowndes, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—69.

Mr. Willett, from the committee on fees and salaries, reported favorably to the bill—

H. B. 747. To amend section 5046 of the Code.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 75, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Betts, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Fonville, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lyons, Massey, Muldon, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf—75.

Mr. McCane voted nay.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
February 10, 1879.

*Mr. Speaker :*

The Senate has originated and passed the following bills, and ordered them sent forthwith to the House:

s. 192. To prevent the dismissal of a bill in equity for multifariousness.

s. 207. To authorize the Governor, by and with the advice and consent of the Senate, to appoint the judge of the city court of Montgomery.

- s. 204. To amend section 4359 of the Code.
- s. 202. To amend section 4373 of the Code.
- s. 200. To enlarge and extend the remedy by certiorari.
- s. 335. To confer jurisdiction upon the probate judge of Perry county concurrent with the circuit court, with authority to hold court at Uniontown, Alabama.

And has passed the House bill :

- H. B. 672. Limiting prosecutions in certain cases.

The Senate has sustained the veto of the Governor upon the House bill :

- H. B. 374. To authorize and require the auditor to pay over to the several counties their respective shares of the money received for the lands transferred by him.

W. L. CLAY,  
Secretary of Senate.

The Senate bills, whose titles are set out in the above message, viz :

- s. 335, s. 204, s. 207, s. 192,

Were severally read once and ordered to a second reading on to-morrow.

Mr. Willett, from same committee, reported favorably to the bill—

- H. B. 238. To amend section 5042 of the Code.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 72, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Betts, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Lawrence, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Fonville, Foster of Barbour, Foster of Macon, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lyons, Massey, Muldon, McDougald, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf—72.

Also, reported favorably to the bill—

- H. B. 431. To repeal an act therein named, so far as the same refers to the county of Russell.

The bill was ordered to a third reading, read the third time, and passed—yeas 66, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion,

Alexander, Armstrong, Ash, Barnett, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cooper, Culver, Curtis, Clark of Lawrence, Clark of Mobile, Dark, Davis, Davidson, Dawson, Foster of Barbour, Foster of Macon, Fuller, Gilbert, Griggs, Hearn, Heacock, Hutto, Jack, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lyons, Massey, McDougald, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharp, Sheid, Smith of Lowndes, Smith of Mobile, Stribling, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—66.

Mr. Boger voted nay.

The title was amended to read—

An act to repeal an act, to repeal section 1374 of art. 1 of the Revised Code of Alabama, so far as it relates to the counties of DeKalb, Covington, Russell, Cherokee and Madison, as to Russell county.

Mr. Willett, from same committee, reported favorably to the bill—

H. B. 528. To amend section 5029 of the Code.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 66, nays 3.

Yeas—Messrs. Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Boger, Bradford, Brooks, Caldwell, Campbell, Cooper, Curtis, Clark of Lawrence, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, English, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Hutto, Jack, James, Kirkpatrick, Lawrence, Lawson, Legg, Lyons, Massey, Muldon, McCane, McDougald, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Thompson. Waller, Willett, Williams, Wood—66.

Nays—Messrs. Speaker, Bowdon and Woolf—3.

Also, from same committee, reported favorably to the bill—

H. B. 787. To regulate the pay of bailiffs of Covington county.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 70, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Betts, Billingslea, Boger, Bowdon, Boykin, Brooks, Caldwell, Campbell, Cooper, Culver, Curtis, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Fonville, Foster of Barbour,

Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Hutto, Jack, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Lyons, Massey, Muldon, McCane, McDougald, Nicholson, Patton, Pearson, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sheid, Smith of Lowndes, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf—70.

Mr. Bowdon, from the committee on temperance, reported favorably to the bill—

H. B. 491. To prevent the sale or giving away of intoxicating liquors within three miles of Enon church, in Pickens county, Alabama.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 58, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Boger, Bowdon, Boykin, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, English, Foster of Barbour, Foster of Macon, Fletcher, Gilbert, Griggs, Huey, Hutto, Lawrence, Lawson, Legg, Lyons, Massey, McCane, McIlwain, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Riley, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Lowndes, Steele, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—58.

Also, reported a substitute for the bill—

H. B. 689. To repeal an act entitled "An act to prohibit the sale, giving away or otherwise disposing of spirituous liquors, intoxicating bitters, or other intoxicating beverages, within three miles of the Methodist church in Old Jonesboro, in Jefferson county," approved February 10, 1874.

The substitute was adopted,

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 57, nays 2.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Boger, Bowdon, Boykin, Caldwell, Cochrane, Cooper, Culver, Curtis, Critcher, Dark, Davidson, Dawson, English, Foster of Barbour, Fuller, Fletcher, Gilbert, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Kennedy, Kirkpatrick, Lawrence, Legg, McIlwain, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Lowndes, Steele, Stribling,

Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf—57.

Nays—Messrs. Crutcher and Davis.

Also, reported favorably to the bill—

H. B. 764. To prohibit the sale of spirituous, vinous or malt liquors, within five miles of Hopewell church and Academy, in Bullock county.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 56, nays 5.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Boger, Bowdon, Boykin, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Dark, Davidson, Dawson, Foster of Barbour, Fuller, Fletcher, Gilbert, Heacock, Hughes, Huey, Hutto, James, Kennedy, Kirkpatrick, Lawrence, Legg, McIlwain, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Sanders of Lamar, Saunders of Madison, Sheid, Smith of Lowndes, Stribling, Taylor of Lauderdale, Thompson, Waller, Willett, Williams, Wood, Woolf—56.

Nays—Messrs. Crutcher, Davis, Griggs, Hearn and McCane—5.

Mr. Bowdon, from same committee, in behalf of the majority of the committee, reported adversely to the bill—

H. B. 342. To amend section 4205 of the Code of Alabama.

Also, in his own behalf, submitted a minority report favoring the passing of the bill—

Mr. Stribling moved to lay the bill on the table.

Agreed to.

Yeas 61, nays 14.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Betts, Boykin, Bradford, Caldwell, Campbell, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Critcher, Crutcher, Dark, Davidson, Dawson, Dolive, English, Fonville, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Kirkpatrick, Lawrence, Lawson, Legg, Lyons, Massey, Muldon, McCane, McIlwain, Nicholson, Patton, Purifoy, Ramsey, Register, Reynolds, Riley, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Lowndes, Steele, Stribling, Walker, Williams, Wood, Woolf—61.

Nays—Messrs. Boger, Bowdon, Cochrane, Cooper, Clark of Mobile, Davis, Gilbert, Kennedy, Pearson, Pitts, Ralls, Thompson, Willett—14.

## JUDICIARY.

Mr. Woolf, from the judiciary committee, reported a substitute for the bill—

H. B. 83. To protect persons having an interest in corn, cotton, fruits or agricultural products, as tenants in common, or part owners thereof.

The substitute was adopted,

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 60, nays 2.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Betts, Boger, Bowdon, Boykin, Bradford, Caldwell, Campbell, Cochrane, Cooper, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Dawson, Fonville, Foster of Barbour, Fuller, Fletcher, Griggs, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Massey, McIlwain, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—60.

Nays—Messrs. Clark of Lawrence and Steele—2.

Also, from same committee, reported favorably, with amendment, to the bill—

H. B. 361. To define the responsibilities of parties purchasing farm produce.

Amend by striking out all after the word “another,” and insert, “the same shall be *prima facie* evidence of the guilt of the defendant and the burden of proof shall be upon the defendant to show his innocence.”

The amendment was adopted,

And the bill ordered to a third reading forthwith, read the third time, and passed—yeas 66, nays 9.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Barnett, Betts, Boykin, Bradford, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Mobile, Critcher, Dark, Davis, Davidson, Dawson, English, Fonville, Foster of Barbour, Fuller, Fletcher, Hughes, Huey, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Massey, Muldon, McIlwain, Nicholson, Patton, Pearson, Purifoy, Ralls, Register, Reynolds, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Lowndes, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—56.



Nays—Messrs. Boger, Bowdon, Clark of Lawrence, Davis, Foster of Macon, Gilbert, Griggs, Hearn, Jack, Steele—9.

Also, from same committee, reported a substitute for the bill—

H. B. 380. To empower the governor to appoint a county solicitor for the county of Marshall.

The substitute was adopted,

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 62, nays 2.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Betts, Boger, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lyons, Massey, Muldon, McCane, Nicholson, Patton, Pearson, Purifoy, Ralls, Ramsey, Register, Reynolds, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Stribling, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—62.

Nays—Messrs. Clark of Lawrence and Steele—2.

Also, from the same committee, reported favorably to the bill—

H. B. 222. To amend section 4450 of the Code.

Mr. Akers of Jefferson moved to amend so as to require the convict to work out his term of sentence, in the county wherein he was convicted.

Lost.

Mr. Williams moved to amend by way of a substitute.

Mr. Clark of Mobile, moved to amend by inserting after the word penitentiary the words "for three years."

Lost.

The substitute was also lost.

Mr. Betts moved to amend as follows:

"Provided, that the parties sentenced to hard labor for the county shall be entitled, on the recommendation of county commissioners, to the same deductions by order of the governor, for good conduct, as those ~~are~~ now entitled to by law who are sentenced to the penitentiary."

The amendment was adopted.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 34, nays 32.

Yeas—Messrs. Barnett, Betts, Boykin, Caldwell, Campbell, Cochrane, Curtis, Clark of Lawrence, Critcher, Crutcher, Davis, English, Foster of Barbour, Foster of Macon, Fletcher,

Gilbert, Hearn, Heacock, Hughes, Jack, James, Kirkpatrick, McIlwain, Pearson, Purifoy, Ramsey, Register, Reynolds, Steele, Stribling, Walker, Waller, Willett, Woolf—34.

Nays—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bowdon, Bradford, Cooper, Clark of Mobile, Dark, Davidson, Dawson, Fonville, Griggs, Huey, Kennedy, Lawrence, Legg, Lyons, Massey, Muldon, Nettles, Patton, Pitts, Ralls, Sanders of Lamar, Sharpe, Sheid, Thompson, Williams, Wood—32.

Mr. Woolf, from the judiciary committee, reported favorably, with amendment, to the bill—

H. B. 121. To designate the counties composing the first district southern chancery division of Alabama.

Amend by adding: Provided, That this act shall not be in force after the expiration of the terms of the chancellors now in office.

The amendment was adopted,

And the bill was ordered to a third reading forthwith, read the third time and passed—yeas 52, nays 2.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Betts, Billingslea, Bowdon, Boykin, Bradford, Campbell, Cochrane, Cooper, Curtis, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Fonville, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Huey, James, Kirkpatrick, Lawrence, Legg, Massey, Muldon, McIlwain, Patton, Pearson, Pitts, Purifoy, Ralls, Sheid, Stribling, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Woolf—52.

Nays—Messrs. Boger and Kennedy—2.

Also, reported favorably to the bill—

H. B. 252. To amend section 3711 of the Code.

The amendment was adopted,

And the bill ordered to a third reading forthwith, read the third time.

A call of the yeas and nays showed no quorum.

On motion of Mr. Huey, the roll of the House was called and the following members answered to their names:

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Betts, Boger, Bowdon, Boykin, Campbell, Cochrane, Cooper, Curtis, Clark of Lawrence, Clark of Mobile, Critcher, Dark, Davis, Davidson, English, Fonville, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Huey, Hutto, James, Kennedy, Kirkpatrick, Lawrence, Legg, Massey, Muldon, McIlwain,

Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Sanders of Lamar, Sheid, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf—67.

The vote being taken on the passage of H. B. 252, it passed—yeas 52, nays 1.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Betts, Bowdon, Boykin, Bradford, Campbell, Cochrane, Cooper, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Fonville, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Huey, Hutto, James, Kennedy, Kirkpatrick, Lawrence, Legg, Massey, Muldon, McIlwain, Nicholson, Patton, Pearson, Pitts, Ralls, Sheid, Stribling, Thompson, Walker, Waller, Willett, Williams, Woolf—52.

Mr. Boger voted nay.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
February 10, 1879.

*Mr. Speaker :*

The Senate has originated and passed the following bills and ordered them forthwith to the House :

s. 326. To prevent illegal impounding of animals running at large ;

s. 352. To amend section 2674 (2335) of the Code of Alabama ;

s. 359. To amend section 3696 of the Code of Alabama ;

s. 220. To exempt the property of a tenant from levy until the rent is tendered to the landlord ;

s. 231. To refund excess of licenses paid ;

And has passed House bill :

H. B. 623. To abolish the court of county commissioners of Autauga county ;

And has originated and passed the following bills and ordered them to the House forthwith :

s. 366. To allow John E. Foster, a disabled Confederate soldier, to peddle in the counties of Lee, Russell and Tallapoosa without license ;

s. 244. To amend section 5064 of the Code ;

s. 277. For the relief of George Hughes and his sureties, late tax collector of Winston county ;

s. 358. To amend section 4700 of the Code of Alabama.

W. L. CLAY,  
Secretary of Senate.

The Senate bills just received, their titles being set out in the above message : s. 326, s. 352, s. 359, s. 220, s. 231, s. 366, s. 244, s. 277, s. 358,

Were severally read once and ordered to a second reading on to-morrow.

On motion of Mr. Foster of Barbour—

The House adjourned until 10 o'clock to-morrow morning.

## FORTY-EIGHTH DAY.

### HOUSE OF REPRESENTATIVES,

TUESDAY, February 11, 1879.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Hughes of the House.

Upon the call of the roll, the following members answered to their names :

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Fuller, Fletcher Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Martin, Massey, Molett, Muldon, McCane, McIlwain, Nettles, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf, Winn—84.

On motion of Mr. Akers of Jefferson—

The reading of the journal was dispensed with.

Mr. Waller offered the following resolution :

*Resolved*, That the House, during the remainder of the session, will only act on Senate bills and Senate amendments to House bills. That the committee be allowed to report as follows : The judiciary 10 bills, and each of the other committees 4 bills, and that this order be kept up until the Senate bills are disposed of ; Provided, That the Senate amendments to House bills be first considered.

Mr. Bradford moved to amend as follows :

Provided further, That one select committee be allowed to report one House bill first.

Adopted.

The resolution, as amended, was adopted.

MESSAGE FROM THE SENATE.

SENATE CHAMBER,

Feb. 10, 1879.

*Mr. Speaker :*

The Senate has passed the House bills :

H. B. 208. To prohibit the sale, giving away or other disposition of spirituous liquors in beat one, in the county of Chambers ;

H. B. 611. To establish the Warrior agricultural district, to provide for the securing of the same and the management of its affairs ;

H. B. 695. To vacate and annul the charter and dissolve the corporation of the city of Mobile, and to provide for the application of the assets thereof in the discharge of the debts of said corporation ;

H. B. 698. To incorporate the Port of Mobile and to provide for the government thereof ;

H. B. 710. To establish an inferior court of criminal jurisdiction for the county of Mobile, and to define the jurisdiction of said court and the criminal jurisdiction of justices of the peace in said county.

W. L. CLAY,  
Secretary of Senate.

ENROLLED BILLS SIGNED.

Mr. Fletcher, from the committee on enrolled bills, reported as correctly enrolled the following bills :

And the speaker, in the presence of the House, immediately after their titles had been publicly read, signed said bills :

H. B. 646. To provide for the payment of the expenses of the joint committee of the two Houses appointed to investigate the legality of the sales and the returns of the swamp and overflowed lands.

H. B. 623. To abolish the court of county commissioners of Autauga county.

H. B. 743. Making appropriations for the payment of the expenses of the several joint committees of the two Houses

of the General Assembly appointed at the present session to visit the public institutions of the State.

H. B. 654. To appropriate two hundred and fifty-nine dollars and sixty cents to pay for repairs on the hall of the House of Representatives.

H. B. 818. To repeal subdivision 3 of section 651 (750) of the Code of 1876, concerning the time of holding the circuit court of Talladega county, and by amending said section to prescribe a different time for holding said court.

H. B. 672. Limiting prosecutions in certain cases.

H. B. 698. To incorporate the port of Mobile and to provide for the government thereof.

H. B. 695. To vacate and annul the charter and dissolve the corporation of the city of Mobile, and to provide for the application of the assets thereof in the discharge of the debts of said corporation.

By leave—

Mr. Betts, from the committee on ways and means, reported favorably, with amendment, to the bill—

H. B. 737. An act to provide for the discharge and release of the trustee appointed by the Governor under authority of the 19th section of the act to ratify and confirm the settlement of the existing indebtedness of this State, as proposed in the report of the commissioners appointed under the act approved Dec. 17, 1874, and which was communicated to the General Assembly by message of the Governor of Jan. 24, 1876, approved Feb. 24, 1876.

Amend by adding the following :

Provided, this act shall not take effect except upon the voluntary resignation of the trustee now in office, appointed by the Governor on behalf of the State, or any trustee that hereafter may be appointed by the Governor, and full payment made to the trustee by the bondholders or owners of said railroad for all moneys expended and services performed by such trustee under his appointment.

Adopted.

Mr. Clopton (Mr. Ralls in the chair) offered the following amendment, which was adopted :

Provided, that the remaining trustee shall execute to the State of Alabama a good bond, with good and sufficient sureties, in such sum and condition as may be satisfactory to the Governor, and to be approved by him, that such trustee shall pay to the State of Alabama the amount which the State is entitled to receive under the provisions of said act.

The amendment was adopted.

And the bill ordered to a third reading forthwith, read the third time, and passed—yeas 80, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boykin, Bradford, Caldwell, Campbell, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Massey, Muldon, McCarron, McDougald, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Woolf, Winn—80.

Mr. Boger voted nay.

Mr. Woolf, from the judiciary committee, reported favorably to the bill—

H. B. 841. To authorize John Swan and John A. Billups, trustees and grantees mentioned in the deed executed by the Governor of Alabama, under section 19 of the act, approved Feb. 23, 1876, entitled an act to ratify and confirm the settlement of the existing indebtedness of the State, etc., or the remaining or surviving one of said trustees, or their successor, or successors, to sue for, recover, and receive, damages for any trespass to or upon the lands embraced in said deed, or to or upon any timber on said lands, committed before the execution of said deed.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 78, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Boykin, Bradford, Caldwell, Campbell, Cooper, Culver, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McCane, McDougald, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Tay-

lor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Woolf, Winn—78.

Mr. Clark of Mobile called up the substitute reported by the select committee on immigration to the bill—

H. B. 448. To organize and establish a board of immigration for the State of Alabama and to provide the means necessary to carry out the objects thereof.

Mr. Lawrence moved to lay the bill and amendment on the table.

Agreed to—yeas 45, nays 41.

Yeas—Messrs. Akers of Jefferson, Akers of Marion, Alexander, Ash, Bailey, Betts, Curtis, Clark of Conecuh, Critcher, Davidson, Evans, Foshee, Fletcher, Gilbert, Griggs, Hearn, Heacock, Huey, Hutto, Jack, James, Jolley, Kennedy, Lawrence, Lee, Legg, Lowther, Massey, Muldon, McCane, McDougald, McIlwain, Owens, Pitts, Register, Reynolds, Sanders of Lamar, Saunders of Madison, Sheid, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller—45.

Nays—Messrs. Speaker, Armstrong, Barnett, Boger, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Mobile, Crutcher, Dark, Davis, Dolive, English, Fonville, Foster of Macon, Fuller, Haigler, Hand, Kirkpatrick, Lyons, Martin, Molett, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Ramsey, Sharpe, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Willett, Williams, Woolf, Winn—41.

Mr. Akers of Jefferson called 'up his motion to reconsider the vote by which H. B. 660 passed.

The motion was lost.

Leave of absence was granted—

To Mr. Winn from to-morrow until close of session.

The House then proceeded to the consideration of the House bills amended by the Senate.

The House concurred in the amendment of the Senate to the bill—

H. B. 224. To amend 7th subdivision of section 651 of Code, relating to time and place of holding circuit court in 7th judicial circuit.

Yeas 68, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Bailey, Betts, Boger, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Conecuh, Crutcher, Dark, Davis, Davidson, Dawson, English, Fonville, Foshee, Foster of Barbour, Fletcher, Griggs, Hand,



Hearn, Heacock, Hutto, Jack, James, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Martin, Massey, Molett, McCane, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—68.

Also, concurred in the amendment of the Senate to the bill—

H. B. 373. To authorize the auditor to draw his warrant in favor of J. D. Hudson, doorkeeper of the House, for furniture, repairs, &c., furnished the House.

Yeas 70, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Bradford, Campbell, Cochrane, Cooper, Clark of Conecuh, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Jack, Jolley, Kennedy, Lawrence, Lee, Legg, Lowther, Lyons, Massey, Molett, McCane, McDougald, McIlwain, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Wood, Woolf, Winn—70.

Also, concurred in the amendment of the Senate to the bill—

H. B. 248. To repeal an act to establish the city court of Eufaula, approved February 14, 1870.

Yeas 72, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Ash, Bailey, Betts, Boger, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Jack, James, Jolley, Kennedy, Lawrence, Lee, Legg, Lowther, Lyons, Martin, Massey, McCane, McDougald, Nettles, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Taylor of Lauderdale, Thompson, Walker, Willett, Wood, Woolf, Winn—72.

Also, concurred in the amendments of the Senate to the bill—

H. B. 618. To regulate the holding of the circuit courts of Barbour county.

Yeas 73, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Ash, Bailey, Betts, Boger, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Lowther, Lyons, Massey, Molett, McCane, Nettles, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of L., Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Taylor of Choctaw, Thompson, Walker, Waller, Wood, Wolf, Winn—73.

Also, concurred in the amendment of the Senate to the bill—

H. B. 619. To regulate the record of conveyances in Barbour county.

Yeas 71, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Boykin, Bradford, Caldwell, Campbell, Cochrane, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Griggs, Hand, Hearn, Heacock, Hughes, Hutto, Jack, Kennedy, Kirkpatrick, Lawrence, Lee, Lyons, Molett, McCane, Nettles, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Lowndes, Smith of Mobile, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Wood, Wolf, Winn—71.

Also, concurred in the amendment of the Senate to the bill—

H. B. 276. To repeal an act in relation to the fine and forfeiture fund of Tuscaloosa and other counties therein named, so far as the same relates to the county of Tuscaloosa.

Yeas 72, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Bailey, Barnett, Betts, Billingslea, Boger, Caldwell, Campbell, Cooper, Culver, Curtis, Clark of Conecuh, Clark of

Lawrence, Clsrk of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lyons, Molett, McCane, McDougald, Nettles, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Lowndes, Smith of Mobile, Taylor of Lauderdale, Thompson, Waller, Willet, Wood, Woolf, Winn—72.

Also, concurred in the amendment of the Senate to the bill—

H. B. 433. To amend section 274 of the Code of Alabama. Yeas 68, nays 5.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Conecuh, Critcher, Dark, Davis, Davidson, Dawson, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hutto, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Massey, Molett, McCane, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sheid, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Wood, Woolf—68.

Nays—Messrs. Boger, Curtis, Clark of Lawrence, Sharpe, Stribling—5.

Also, concurred in the amendment of the Senate to the bill—

H. B. 399. To regulate the weighing and sampling of cotton in the counties, of Montgomery, Dallas and Pike.

Yeas 74, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bradford, Brooks, Caldwell, Campbell, Cooper, Curtis, Clark of Conecuh, Clark of Lawrence, Crutcher, Dark, Davis, Davidson, Dawson, Evans, Fonville, Foshee, Fuller, Fletcher, Griggs, Haigler, Hand, Hughes, Hutto, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Martin, Massey, Molett, McCane, McIlwain, Nicholson, Owens, Patton, Pearson, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Au-

tauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Wood, Woolf, Winn—74.

Also, concurred in the amendment of the Senate to the bill—

H. B. 279. To prohibit camp hunting in Washington county—Yeas 64, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Boykin, Brooks, Caldwell, Cooper, Culver, Curtis, Clark of Conecuh, Crutcher, Dark, Davis, Davidson, Dawson, Evans, Fonville, Foshee, Fuller, Fletcher, Grigg, Haigler, Hand, Hutto, Jolley, Kennedy, Kirkpatrick, Lawrence, Legg, Lowther, Martin, Massey, McCane, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Purifoy, Ralls, Ramsey, Reynolds, Riley, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Taylor of Lauderdale, Thompson, Willett, Wood, Woolf, Winn—64.

On motion of Mr. Brooks, the House proceeded to the consideration of the Senate bill—

s. 156. To amend an act to fix the time of holding the circuit court of 12th judicial circuit.

Mr. Alexander moved that the House insist on its amendment, and ask for a committee of conference, consisting of three from the House and two from the Senate.

Agreed to.

Committee—

Messrs. Alexander, Brooks and Ralls.

Mr. Woolf, from the judiciary committee, reported favorably, with amendment, to the Senate bill—

s. 340. To fix the times and places of holding chancery courts in southern chancery division.

Amend section 2 by substitute.

Adopted.

Mr. Register moved to amend by a proviso.

The amendment was adopted,

The bill ordered to a third reading forthwith, read the third time, and passed—yeas 64, nay 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Betts, Boger, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Dark, Davis, Davidson, Dawson, Dolive, Fonville, Foshee, Fuller, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Martin, Massey, Mollett, Mc-

Cane, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Ramsey, Register, Reynolds, Rushing, Sharpe, Smith of Autauga, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Wood, Woolf, Winn—64.

Mr. Owens voted nay.

Mr. Woolf, from same committee, reported favorably, with an amendment, to the Senate bill—

s. 339. To divide the southern chancery division into districts.

Amend section 2 by substitute.

Adopted.

Mr. Register moved to amend by adding proviso.

Adopted.

The bill was then read the third time and passed—yeas 76, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Lawrence, Lee, Legg, Lowther, Massey, Molett, McCane, McDougald, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Wood, Woolf, Winn—76.

Also, from same committee, reported favorably to the Senate bill—

s. 346. To regulate the times and places of holding the chancery courts in the western chancery division of Alabama, composed of the counties of Marengo, Sumter, Greene, Pickens, Fayette, Lamar, Marion, Franklin, Colbert, Lauderdale, Limestone, Lawrence, Winston, Walker, Tuscaloosa, Hale, Perry, Bibb, Shelby, Jefferson, Blount, Cullman and Morgan.

The bill was ordered to a third reading forthwith, and read the third time and passed—yeas 71, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Boykin, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Conecuh, Clark of Lawrence, Dark, Davis, Davidson, Dawson, Evans, Fonville, Foshee, Fuller,

Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Lawrence, Lee, Lowther, Lyons, Massey, McCane, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—71.

Also, reported favorably to the Senate bill—

s. 185. To amend section 608 of the Code, fixing the time of holding the courts in southern chancery division.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 69, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Bowdon, Boykin, Brooks, Caldwell, Campbell, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Lawrence, Dark, Davis, Dawson, Dolive, Evans, Fonville, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Jack, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Lowther, Lyons, Massey, McCane, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Wood, Woolf, Winn—69.

Also, reported favorably to the Senate bill—

s. 370. To fix the time of holding the circuit courts and the time of pleading in the 1st judicial circuit.

The bill was ordered to a third reading forthwith, and read the third time, and passed—yeas 72, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Billingslea, Boger, Bowdon, Caldwell, Campbell, Cooper, Culver, Clark of Mobile, Crutcher, Dark, Davis, Dolive, Evans, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Molett, Muldon, McCane, McDougald, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Williams, Wood, Woolf, Winn—72.

Also, reported favorably to the Senate bill—

s. 341. To fix the times and places for holding circuit courts in third judicial circuit.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 76, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Bowdon, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Critcher, Crutcher, Dark, Davis, Dawson, Dolive, English, Evans, Fonville, Foster of Barbour, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Massey, Muldon, McCane, McDougald, Nicholson, Patton, Pearson, Pitts, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf, Winn—76.

Also, reported favorably, to the Senate bill—

s. 365. To fix times and terms and places of holding circuit courts in the several counties composing the 4th judicial circuit, constituted by the act of the present General Assembly dividing the State into judicial circuits.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 72, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Billingslea, Boger, Bowdon, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Conecuh, Critcher, Dark, Davis, Dawson, Dolive, Evans, Foshee, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Massey, Muldon, McDougald, McIlwain, Nettles, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Stribling, Taylor of Choctaw, Thompson, Walker, Waller, Williams, Wood, Woolf—72.

Also, favorably to the Senate bill—

s. 369. To fix the times of holding the circuit courts in 6th judicial circuit.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 75, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts,

Boger, Bowdon, Caldwell, Cooper, Culver, Curtis, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Hughes, Huey, Hutto, Jack, James, Kennedy, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Molett, McCane, McDougald, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Stribling, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Wood, Woolf—75.

Also, favorably to the Senate bill—

s. 291. To fix the time of holding the circuit courts of the 8th judicial circuit.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 75, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Hughes, Huey, Hutto, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Legg, Lowther, Lyons, Massey, Molett, Muldon, McDougald, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Riley, Rushing, Sanders of Lamar, Sheid, Smith of Autauga, Smith of Lowndes, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—75.

Mr. Davis moved to reconsider the vote just taken.

Also, vote ordering bill to a third reading.

Agreed to.

Mr. Woolf, from same committee, reported favorably, to the Senate bill—

s. 297. To change the time of holding the January term of circuit court of Blount county.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 69, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Bailey, Barnett, Billingslea, Boger, Bowdon, Boykin, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Haig-



ler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Molett, Nettles, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Riley, Rushing, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf—69.

Also, from same committee, reported favorably, with amendment, to the Senate bill—

s. 258. To make the provisions of section 3606 of the Code, applicable to Blount county.

Amend by adding "Lauderdale county." Amend title to correspond.

The amendments were adopted,

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 73, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Bailey, Barnett, Betts, Boger, Bowdon, Boykin, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Critcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Foshee, Foster of Barbour, Foster of Macon, Fuller, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Kennedy, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Molett, Muldon, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf—73.

Mr. Woolf called up Senate bill—

s. 291. To fix the times of holding the circuit courts of the eighth judicial circuit.

And it was ordered to a third reading forthwith, read the third time, and passed—yeas 66, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Bowdon, Caldwell, Campbell, Cooper, Culver, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Kennedy, Lawrence, Lee, Legg, Lowther, Lyons, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of

Lauderdale, Thompson, Walker, Waller, Williams, Wood, Woolf—66.

Mr. Woolf, from the same committee, reported favorably to the Senate bill—

s. 302. To fix the time of holding the fall term of the circuit court of the county of Clarke for the year 1879.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 66, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Bowdon, Boykin, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Hutto, Jack, James, Kennedy, Lawrence, Lee, Legg, Lowther, Lyons, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—66.

#### MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,  
Montgomery, Ala., Feb. 11, 1879.

*Mr. Speaker:*

The Governor has approved the following bills, which originated in the House:

H. B. 672. Limiting prosecutions in certain cases.

H. B. 654. To appropriate two hundred and fifty-nine dollars and sixty cents to pay for repairs on the hall of the House of Representatives.

H. B. 623. To abolish the court of county commissioners of Autauga county.

H. B. 646. To provide for the payment of the expenses of the joint committee of the two Houses appointed to investigate the legality of the sales and the returns of the swamp and overflowed lands.

H. B. 743. Making appropriations for the payment of the expenses of the several joint committees of the two Houses of the General Assembly, appointed at the present session to visit the public institutions of the State.

H. R. 818. To repeal subdivision 3 of section 651 (750) of the Code of 1876, concerning the time of holding the circuit

court of Talladega county, and, by amending said section, to prescribe a different time for holding said court.

Respectfully,

THOS. H. REYNOLDS,  
Recording Secretary.

#### WAYS AND MEANS.

Mr. Betts, from the committee on ways and means, reported favorably to the Senate bill—

s. 216. For the relief of W. L. Ferguson, tax collector of DeKalb county.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 60, nays 0.

Yeas—Messrs. Akers of Jefferson, Akers of Marion, Armstrong, Ash, Betts, Billingslea, Boger, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Huey, Hutto, Jack, James, Jolley, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Muldon, Nettles, Nicholson, Owens, Patton, Pearson, Purifoy, Ralls, Sanders of Lamar, Sharpe, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Thompson, Walker, Waller, Williams, Wood, Woolf—60.

Also, from same committee, reported favorably to the Senate bill—

s. 212. To repeal sections 67, 68 and 69 of the Code.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 65, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Boykin, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Lawrence, Dark, Davis, Davidson, Dawson, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Hutto, Jack, James, Jolley, Kennedy, Lawrence, Lee, Legg, Lowther, Massey, Muldon, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Thompson, Williams, Wood, Woolf—65.

Also, from same committee, reported favorably to the Senate bill—

s. 56. To authorize and require the governor, auditor and treasurer to inquire into the validity of certain claims against the State, and to report the result of their investigation to the next session of the General Assembly.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 64, nays 9.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Boykin, Brooks, Caldwell, Campbell, Cooper, Culver, Curtis, Crutcher, Dark, Davidson, Dawson, Dolive, English, Fonville, Foster of Barbour, Foster of Macon, Fuller, Griggs, Hand, Hearn, Heacock, Hughes, Hutto, Jack, James, Jolley, Lawrence, Lee, Lowther, Lyons, Massey, Muldon, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Register, Riley, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Choctaw, Thompson, Waller, Williams, Wood, Woolf—64.

Nays—Messrs. Cochrane, Davis, Evans, Foshee, Fletcher, Legg, Owens, Pitts and Steele—9.

Also, from same committee, reported favorably, with amendment, to the Senate bill—

s. 138. To authorize the issue of bonds of the State to the amount of one million of dollars for the purpose of paying and retiring the obligations of the State issued under an act approved December 19, 1873, to provide for the funding of the domestic debt of the State.

Amend by making the interest not exceeding six per cent.

Also, strike out the words :

Or at the pleasure of the State at any time after ten years from their date.

Amend 9th section—

Strike out all after the word dues; that is, strike out the proviso to said section 9.

The amendments were severally adopted,

And the bill was ordered to a third reading forthwith, read the third time and passed—yeas 78, nays 0.

Yeays—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Bowdon, Bradford, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Evans, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin,

Massey, Molett, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—78.

MESSAGE FROM THE SENATE.

SENATE CHAMBER,

Feb. 11, 1879.

*Mr. Speaker :*

The Senate has passed the following House bills—

H. B. 585. To amend sections 1947, 1949, 1952, 1959, 1970, 1971, 1973, 1975, and to repeal sections 1972, 1974, 1984 and 1985 of the Code of Alabama, relating to free banking corporations.

H. B. 387. To repeal an act to regulate the pay of the court of county commissioners of Tallapoosa county and to regulate their pay.

H. B. 333. To abolish the office of county treasurer of Lowndes county and to provide for the duties of said office.

H. B. 468. To confer additional jurisdiction upon the county court of Hale county and to regulate the proceedings therein.

H. B. 865. To authorize and empower the city of Eufaula to levy and collect license taxes upon any business, occupation, avocation, or employment that may be carried on within its corporate limits.

H. B. 100. To enforce the payment of claims out of the statutory separate estate of married women in suits before justices of the peace.

H. B. 515. For the relief of the Perdido Bay Lumber Company.

H. B. 457. To amend section 3467 of the Code.

H. B. 489. To amend subdivision K of section 5032 of the Code.

H. B. 273. To enable married women whose husbands are insane, or *non compos mentis*, to convey real estate.

And has amended, as therein shown, and passed House bill—

H. B. 486. To define who are agents of insurance compa-

nies not incorporated by or under the laws of this State, and to fix their liability for acting without authority of law.

W. L. CLAY,  
Secretary of Senate.

#### BILLS ON SECOND READING.

The Senate bills—

s. 200. To enlarge and extend the writ of certiorari.

s. 192. To prevent the dismissal of a bill, in equity for multifariousness.

s. 246. To authorize administrators and executors of insolvent estates to sell the lands of said estates for payment of debts without taking testimony after said estates have been declared insolvent by the courts of this State.

s. 358. To amend section 4700 of the Code of Alabama.

s. 244. To amend section 5064 of the Code.

s. 359. To amend section 3696 of the Code of Alabama.

s. 220. To exempt the property of a tenant from levy until the rent is tendered to the landlord.

s. 352. To amend section 2674 (2335) of the Code of Alabama.

s. 207. To authorize the Governor, by and with the advice and consent of the Senate, to appoint the judge of the city court of Montgomery;

s. 204. To amend section 4359 of the Code;

s. 219. To exempt a growing crop from levy under legal process, except for the enforcement of liens thereon;

s. 202. To amend section 4373 of the Code;

s. 319. To amend sections 2735 and 2737 of the Code;

s. 208. To provide for the circuit court of Montgomery county to be held by the judge of the eighth judicial circuit, without affecting the office of solicitor of said county of Montgomery;

s. 217. To create a fund for the payment of fees of officers and State witnesses in criminal cases, and provide for the disbursement of the same;

s. 379. To fix the time of holding the courts in the seventh judicial circuit;

s. 271. To amend section 4207 of the Code of Alabama.

s. 356. To arrange and number the districts and to fix the terms of the courts of the eastern chancery division—

Were severally read the second time and referred to the judiciary committee.

The Senate bill—

s. 189. To declare the legal status of religious denominations incorporated under the general law as contained in Clay's Digest, and to permit said corporations, at their option, to change the name and number of their officers or managers, and to change their articles of government—

Was read the second time and referred to the committee on corporations.

The Senate bill—

s. 280. To fix the salaries of the judges of the supreme court,

Was read the second time and referred to the committee on fees and salaries.

The Senate bill—

s. 328. For the relief of Walker county—

Was read the second time and referred to the committee on appropriations.

The Senate bills—

s. 366. To allow John E. Foster, a disabled Confederate soldier, to peddle in the counties of Lee, Russell and Tallapoosa without license ;

s. 305. To authorize and empower the mayor and council of the town of Union Springs, Bullock county, Alabama, to require a license of livery stable keepers—

Were severally read the second time and referred to the committee on local legislation.

The Senate bills—

s. 277. For the relief of George Hughes and his securities, late tax collector of Winston county;

s. 231. To refund excess of licenses paid—

Were severally read the second time and referred to the committee on ways and means.

The Senate bill—

s. 326. To prevent illegal impounding of animals running at large—

Was read the second time and referred to the committee on agriculture and commerce.

The Senate bill—

s. 333. To regulate the employment of the militia and volunteer forces of Alabama in the enforcement of the laws thereof—

Was read the second time and referred to the committee on the military.

The Senate bill—

s. 274. To amend section 1633 of the Code of Alabama—

Was read the second time and referred to the committee on public roads and highways.

The Senate bill—

s. 323. To require the commissioners' court of Henry county to make an appropriation to aid in the erection of a court-house and jail in Geneva county—

Was read the second time and referred to a select committee composed of the members from Geneva, Henry and Coffee counties.

The Senate bill—

s. 375. To establish the Normal School of Northeast Alabama at Clayton—

Was read the second time and referred to the committee on education.

The Senate bill—

s. 230. To refund to Josiah Morris & Co. moneys expended by them as custodians of State bonds deposited with them in escrow by Governor David P. Lewis, under contract with Balch and associates—

Was read the second time and referred to a select committee of five.

On motion of Mr. Huey, the House took a recess until 4:00 P. M.

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#### AFTERNOON SESSION.

The House re-assembled at the hour of 4 P. M.,

The House concurred in the amendments of the Senate to the bill—

H. B. 237. To increase the criminal jurisdiction of justices of the peace in Limestone, Butler, Marion, DeKalb and Marshall counties.

Yeas 64, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Bowdon, Boykin, Caldwell, Campbell, Cochrane, Cooper, Crutcher, Dark, Davis, Davidson, Dawson, Evans, Fonville, Foshee, Fuller, Griggs, Haigler, Hand, Hearn, Huey, Hutto, Jack, Jolley, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Muldon, McCane, Nettles, Nicholson, Owens, Patton, Pearson, Purifoy, Ralls, Ramsey, Register, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Stribling, Taylor of Choctaw, Thompson, Walker, Willét, Williams, Wood—64.



Also, concurred in the amendment of the Senate to the bill—

H. B. 486. To define who are agents of insurance companies not incorporated by or under the laws of this State, and to fix their liability for acting without authority of law.

Yeas 73, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Caldwell, Campbell, Cochran, Cooper, Clark of Lawrence, Critcher, Dark, Davis, Davidson, Dawson, English, Foshee, Foster of Barbour, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Hughes, Huey, Hutto, Jack, Jolley, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Martin, Muldon, McIlwain, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Ramsey, Register, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Wood—73.

Mr. Betts moved to reconsider the vote by which Senate bill—

s. 138. To authorize the issue of the bonds of the State to the amount of one million of dollars, &c.,

Passed.

Also, the vote ordering the bill to a third reading.

Agreed to.

The bill was then considered.

Mr. Betts moved to amend section 4 by adding an additional paragraph.

Adopted.

Mr. Clark moved to amend by striking out proviso in section 9.

Adopted.

The bill was then read the third time and passed—yeas 73, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Brooks, Caldwell, Campbell, Cochran, Cooper, Culver, Curtis, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Evans, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Massey, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of

Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Wood, Woolf—73.

Mr. Taylor of Choctaw, from select committee, reported favorably to the Senate bill—

s. 316. To incorporate the Alabama State Bar Association.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 71, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Bradford, Caldwell, Cochrane, Cooper, Clark of Lawrence, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Lawrence, Lee, Legg, Lowther, Lyons, Martin, Massey, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf—71.

#### EDUCATION.

Mr. Foster of Barbour, from the committee on education, reported favorably to the Senate bill—

s. 165. To establish a separate school district in Conecuh county, to be known as the Evergreen school district;

And recommended that the amendment, which was offered by Mr. Clark of Conecuh and adopted, be stricken from the bill.

The report was concurred in.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 76, nays 2.

Yeas—Messrs. Speaker, Akers of Jefferson, Armstrong, Marion, Alexander, Barnett, Betts, Billingslea, Boger, Caldwell, Campbell, Cochrane, Cooper, Curtis, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lyons, Martin, Massey, Molett, Muldon, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison,

Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—76.

Nays—Messrs. Clark of Lawrence and Steele—2.

Also, from same committee, reported favorably to the Senate bill—

s. 278. To provide for printing and distributing the report of the State geologist, and for color plates and printing the maps of the counties of Fayette, Marion, Winston and Walker, which accompany said report.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 75, nays 2.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Bailey, Barnett, Betts, Billingslea, Boger, Caldwell, Campbell, Cochrane, Cooper, Clark of Lawrence, Clark of Mobile, Dark, Davidson, Dawson, Dolive, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Massey, Molett, Muldon, McCane, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—75.

Nays—Messrs. Crutcher and Davis—2.

Mr. Foster of Barbour submitted the following report:

*Mr. Speaker:*

The committee on education, to which was referred the Senate bill No. 248—

To fix the amount of the appropriation for the maintenance of the normal school for white male and female teachers, at Florence;

Have had the same under consideration, and a majority of said committee report adversely to the passage of said bill.

JOHN P. RALLS,  
A. W. GRIGGS,  
B. M. HUEY,  
I. H. McILWAIN,  
J. C. FONVILLE,  
M. W. HAND.

Messrs. Foster of Barbour, Cochrane, Clark of Mobile, Brooks and Hutto submitted a minority report, favoring the passage of the bill.

Mr. Martin moved to substitute the minority for the majority report.

Pending its consideration, the following message was received :

MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
February 11, 1879.

*Mr. Speaker :*

The Senate has passed the following bills :

H. B. 699. To amend section 4369 of the Code ;

H. B. 293. To amend section 751 of the Code ;

H. B. 396. To further regulate the securing, preservation and sales of the swamp and overflowed lands of the State ;

H. B. 351. To establish a chancery court for the county of Cullman and to fix the time of holding the same ;

H. B. 228. To repeal an act to consolidate the offices of circuit clerk and tax assessor for the county of Escambia ;

H. B. 312. To amend section 5047 of the Code ;

H. B. 784. To amend an act entitled an act to prevent in certain cases the sale, exchange and transportation of cotton in the counties of Montgomery, Bullock, Dallas, Russell, Lowndes, Wilcox, Sumter, Autauga, and in beats Nos. 1, 2, 3, 4, 5, 6, 7, 8 and 9 of Hale, and of cotton produced in said counties ;

And has amended, as therein shown, and passed House bill—

H. B. 86. To regulate the number of persons drawn to serve as grand and petit jurors for the counties of Fayette, Lamar, Washington, Cherokee, Marion, St. Clair, Monroe, Butler, Etowah, Conecuh, Calhoun, Franklin, Colbert, Chilton, Cleburne, Randolph, Escambia, Coffee, Baldwin, Pike, Talladega, Blount, Crenshaw, Cullman and Lawrence ;

And has passed, without amendment, the following House bills—

H. B. 255. To require the secretary of state to make annual reports to the governor ;

H. B. 336. To amend section 1617 of the Code ;

H. B. 679. To authorize the court of county commissioners for the county of Jefferson to issue the bonds of said county

for an amount not exceeding twenty thousand dollars, for certain purposes therein named ;

And has originated and passed, and ordered it sent to the House the bill—

s. 264. To prescribe the fees of witnesses in county courts ;

And has amended, as therein shown, and passed House bills—

H. B. 341. To amend section 1817 of the Code of Alabama ;

H. B. 288. To provide for appeals from convictions by municipal officers ;

H. B. 162. To amend section 4196 of the Code ;

H. B. 101. To require mortgagees to enter on margin of the record, at the request of any *bona fide* creditor the amount received by them ;

H. B. 852. To regulate the time of holding the circuit courts of the 5th judicial circuit of Alabama ;

H. B. 484. To regulate and increase the jurisdiction of the probate courts of this State.

W. L. CLAY,  
Secretary.

The Senate bill just received, s. 264—

Was read once and ordered to a second reading on tomorrow.

The House resumed the consideration of the motion to substitute.

Mr. Foster of Macon called for the previous question.

The main question was ordered to be put.

The motion was agreed to.

Yeas 50, nays 33.

Yeas—Messrs. Speaker, Akers of Marion, Barnett, Billingslea, Boger, Bowdon, Brooks, Campbell, Cochrane, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Crutcher, Davis, English, Foster of Barbour, Foster of Macon, Gilbert, Haigler, Hutto, Jack, Jolley, Kirkpatrick, Lawson, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, Nicholson, Patton, Pearson, Purifoy, Register, Riley, Sheid, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Walker, Waller, Willett, Williams, Wood—50.

Nays—Messrs. Akers of Jefferson, Alexander, Armstrong, Bailey, Betts, Cooper, Dark, Davidson, Dawson, Evans, Fonville, Foshee, Fuller, Griggs, Hand, Hearn, Heacock, Hughes, Kennedy, Lawrence, Lee, McIlwain, Nettles, Owens, Pitts, Ralls, Ramsey, Sanders of Lamar, Saunders of Madison, Sharpe, Smith of Autauga, Thompson, Woolf—33.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 48, nays 33.

Yeas—Messrs. Akers of Marion, Armstrong, Barnett, Billingslea, Boger, Bowdon, Brooks, Campbell, Cochrane, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Crutcher, Davis, English, Foster of Barbour, Foster of Macon, Fletcher, Gilbert, Haigler, Hutto, Jack, Jolley, Kirkpatrick, Lawson, Legg, Lowther, Lyons, Martin, Molett, Nicholson, Patton, Pearson, Purifoy, Register, Sheid, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Walker, Waller, Willett, Williams, Wood—48.

Nays—Messrs. Speaker, Akers of Jefferson, Alexander, Bailey, Betts, Cooper, Culver, Critcher, Dark, Davidson, Dawson, Evans, Fonville, Foshee, Fuller, Griggs, Hand, Hearn, Heacock, Hughes, Kennedy, Lawrence, Lee, McIlwain, Owens, Pitts, Ralls, Ramsey, Sanders of Lamar, Sharpe, Smith of Autauga, Thompson, Woolf—33.

Mr. Foster of Barbour moved to reconsider the vote just taken and to lay that motion on the table.

Agreed to.

On motion of Mr. Betts—

The House adjourned until to-morrow morning 10 o'clock.

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## FORTY-NINTH DAY.

### HOUSE OF REPRESENTATIVES,

Wednesday, February 12, 1879.

House met pursuant to adjournment.

Prayer by Rev. Dr. Ralls.

On the call of the roll, the following members answered to their names:

Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Conecuh, Clark of Lawrence, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Molett, Muldon, McIlwain, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Ramsey, Register, Reynolds, Rushing, Sanders of Lamar,

Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Wood, Woolf—84.

On motion of Mr. Foster of Barbour—

The reading of the journal of yesterday was dispensed with until to-morrow evening.

The Speaker announced as committee on s. b. 220 :

Messrs. Foster of Barbour, Ralls, Willett, Smith of Mobile, and Walker.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
February 12, 1879.

*Mr. Speaker:*

The Senate has passed the following House bills :

H. B. 262. To repeal the proviso contained in an act, approved February 5, 1878, entitled an act to establish jury trials in justice courts, which proviso excepts the counties of DaKalb and Cherokee from the operations of said act ;

H. B. 161. To require banks, bankers, insurance, &c., in the business of lending money, to give receipts for collaterals ;

H. B. 383. To provide for the appointment of an official stenographer for the circuit and chancery courts in the county of Mobile, and to define his duties and regulate his compensation ;

H. B. 823. To establish a new charter for the city of Birmingham ;

H. B. 500. To make the fees of the officers of court of Wilcox county, in certain criminal cases, receivable in payment of debts due said county for fines and forfeitures ;

H. B. 758. To amend sections 6 and 9 of an act entitled an act to amend sections 4, 6, 7, 9, 12 and 28, of an act entitled an act to amend the charter of the city of Montgomery, and the various laws heretofore passed amending the said charter, approved March 3, 1870 ;

H. B. 757. To amend sections 1 and 2, of an act entitled an act authorizing the city council of Montgomery to condemn and purchase real estate as herein provided, approved April 10, 1873.

And has agreed to a committee of conference on the bill,

s. 156. To amend an act to fix the time of holding the circuit court of the 12th judicial circuit of Alabama, approved December 14, 1876.

And has amended as therein shown, and passed House bills—

H. B. 419. To authorize the redemption of lands or real estate sold for taxes and purchased by or in the name of the State ;

H. B. 510. To amend sections 2, 7, 38, 39, 40, 45, 46, 47, 48, 49, 50, 51 and 54, of the charter of the city of Selma.

W. L. CLAY,  
Secretary.

Mr. Ralls submitted the following :

*Mr. Speaker :*

The committee of conference to whom was referred the matter of disagreement of the two Houses upon the Senate bill—

s. 156. To amend an act to fix the time of holding the circuit courts in the 12th judicial circuit, beg leave to submit the following :

The committee recommend that each House adopt the accompanying bill as a substitute for the original bill.

JOHN P. RALLS,  
C. L. CUNNINGHAM,  
W. P. HOWELL,  
W. J. ALEXANDER.

The report was concurred in.

Yeas 74, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Bowdon, Bradford, Brooks, Caldwell, Cochrane, Cooper, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Hutto, Jack, James, Jolley, Kennedy, Lawrence, Lawson, Lee, Legg, Lowther, Massey, Molett, McCane, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Willett, Wood, Woolf—74.

#### ENROLLED BILLS SIGNED.

Mr. Fletcher, from the committee on enrolled bills, reported as correctly enrolled the following bills, and the speaker, in



the presence of the House, immediately after the titles had been publicly read, signed said bills:

H. B. 865. To authorize and empower the city of Eufaula to levy and collect license taxes upon any business, occupation, avocation or employment that may be carried on within its corporate limits;

H. B. 710. To establish an inferior court of criminal jurisdiction for the county of Mobile, and to define the jurisdiction of said court, and the criminal jurisdiction of justices of the peace in said county;

H. B. 351. To establish a chancery court for the county of Cullman, and fix the time of holding the same;

H. B. 228. To repeal an act to consolidate the offices of circuit clerk and tax assessor for the county of Escambia;

H. B. 293. To amend section 751 of the Code;

H. B. 312. To amend section 5047 of the Code;

H. B. 867. Joint resolution and memorial to congress in regard to Chickasaw cession of lands;

H. B. 248. To repeal an act to establish the city court of Eufaula, approved February 14, 1870;

H. B. 619. To regulate the record of conveyances in Barbour county;

H. B. 611. To establish the Warrior agricultural district, to provide for securing of the same, and the management of its affairs;

H. B. 208. To prohibit the sale, giving away, or other disposition of spirituous liquors, in beat one, of the county of Chambers;

H. B. 224. To amend subdivision four, of section 651 of the Code of Alabama, on page 326 thereof, as to the time of holding the circuit court of Choctaw county, in the seventh judicial circuit;

H. B. 276. To repeal an act in relation to the fine and forfeiture fund of Tuscaloosa, and other counties therein named, so far as the same relates to the county of Tuscaloosa;

H. B. 373. To authorize the auditor to draw his warrants in favor of the several persons herein named, in payment of the sums expended by them for furniture, repairs, &c., furnished the two Houses of the General Assembly;

H. B. 585. To amend sections 1947, 1949, 1952, 1959, 1970, 1971, 1973, 1975, and to repeal sections 1972, 1974, 1984 and 1985, of the Code of Alabama relating to free banking corporations;

H. B. 396. To further regulate the securing, preservation and sales of the swamp and overflowed lands of the State;

H. B. 383. To provide for the appointment of an official stenographer for the circuit and chancery courts in the county of Mobile and the city court of the city of Mobile, and to define his duties and regulate his compensation;

H. B. 757. To amend sections 1 and 2, of an act entitled an act authorizing the city council of Montgomery to condemn and purchase real estate as herein provided, approved April 10, 1873;

H. B. 237. To increase the criminal jurisdiction of justices of the peace in the counties of Limestone, Marion, Greene and Marshall;

H. B. 784. To amend an act to prevent in certain cases the sale, exchange and transportation of cotton in the counties of Montgomery, Bullock, Wilcox, Sumter, Autauga, and in beats Nos. 1, 2, 3, 4, 5, 6, 7, 8 and 9 of Hale, and of cotton produced in said counties;

H. B. 279. An act to prohibit camp-hunting in the county of Washington.

H. B. 333. An act to abolish the office of county treasurer of Lowndes county, and to provide for the duties of said office.

H. B. 387. An act to repeal an act to regulate the pay of the court of county commissioners of Tallapoosa county, and to regulate their pay.

H. B. 100. An act to enforce the payment of claims out of the statutory separate estate of married women in suits before justices of the peace.

H. B. 457. An act to amend section 3467 of the Code.

H. B. 489. An act to amend subdivision K of section 5032 of the Code.

H. B. 273. An act to enable married women whose husbands are insane, or *non compos mentis*, to convey real estate.

H. B. 433. To amend section 274 of the Code.

H. B. 486. To define who are agents of insurance companies not incorporated by or under the laws of this State, and to fix their liability for acting without authority of law.

H. B. 515. For the relief of the Perdido Bay Lumber Company.

H. B. 399. To regulate the weighing and sampling of cotton in the counties of Montgomery, Dallas, Bullock and Pike.

H. B. 460. To confer additional jurisdiction upon the county court of Hale county, and to regulate the proceedings therein.

H. B. 699. To amend section 4369 of the Code.

H. B. 336. To amend section 1617 of the Code.

H. B. 255. To require the Secretary of State to make annual reports to the Governor.

H. B. 289. To provide for and regulate the fine and forfeiture fund in the counties of Macon, Monroe, Washington, Jefferson and Randolph.

Mr. Register, from select committee, reported favorably to the Senate bill—

s. 323. To require the commissioners court of Henry county to make an appropriation to aid in the erection of a court-house and jail in Geneva county.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 71, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Boger, Bowdon, Bradford, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Conecuh, Clark of Lawrence, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Heacock, Hughes, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Nettles, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Wood, Woolf—71.

On motion of Mr. Clark of Mobile—

The clerk was instructed to ask the return from the Senate of s. b. 138, in relation to issue of bonds.

Mr. Woolf offered the following resolution—

Which was adopted :

*Resolved*, That for the balance of this day, standing committees only shall report Senate bills, and that no other business be transacted except the above, and concurrence in Senate amendments, except on select committee.

Mr. Riley, from select committee, reported favorably to the Senate bill—

s. 362. To fix the times of holding the circuit courts in the second judicial circuit.

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 76, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Conecuh, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour,

Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Hughes, Hutto, Jack, James, Jolley, Kennedy, Lawrence, Lawson, Lee, Lowther, Lyons, Massey, Molett, Muldon, McDougald, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—76.

Mr. Foster of Barbour submitted the following report :

The committee on education, to which was referred the Senate bill No. 279, to be entitled an act to establish a normal school at Fayetteville, in Fayette county, Alabama, have had the same under consideration, and a majority of said committee report adversely to the passage of said bill.

JOHN P. RALLS,  
A. W. GRIGGS,  
B. M. HUEY,  
I. H. McILWAIN,  
J. C. FONVILLE,  
M. W. HAND,  
A. L. BROOKS.

Messrs. Foster of Barbour, Cochrane, Clarke of Mobile, and Hutto submitted a minority report favoring the passage of the bill,

Mr. Foster of Barbour moved to substitute the minority report for the majority.

The motion was lost—yeas 26, nays 52.

Yeas—Messrs. Akers of Jefferson, Akers of Marion, Bradford, Cochrane, Curtis, Clark of Lawrence, Clark of Mobile, Foster of Barbour, Hutto, Jack, Lee, Legg, Molett, McDougald, Purifoy, Ramsey, Reynolds, Sanders of Lamar, Steele, Stribling, Taylor of Lauderdale, Walker, Willett, Williams—26.

Nays—Messrs. Speaker, Armstrong, Ash, Bailey, Barnett, Billingslea, Brooks, Caldwell, Cooper, Culver, Clark of Conecuh, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Fuller, Fletcher, Griggs, Hand, Hearn, Heacock, Hughes, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lowther, Lyons, Nettles, Nicholson, Patton, Pitts, Ralls, Rushing, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Thompson, Waller, Wood, Woolf—52.

The report of the committee was concurred in.

Mr. Clark of Mobile moved to reconsider the vote by which Senate bill—

s. 138—

Passed on yesterday.

Also, the vote ordering the bill to a third reading.

Agreed to.

Mr. Clark of Mobile moved to reconsider the vote adopting the amendment striking out provisos to 9th section.

Agreed to.

Mr. Clark of Mobile moved to amend so as to strike out only the first proviso of said section.

Agreed to.

The bill was then read the third time and passed—yeas 75, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Bailey, Barnett, Betts, Boger, Bowdon, Boykin, Bradford, Caldwell, Campbell, Cooper, Culver Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Hancock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Lowther, Lyons, Massey, Molett, Muldon, McDougald, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autaugu, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Wood, Woolf—75.

Mr. Nicholson moved—

To reconsider the vote by which the resolution of Mr. Woolf was adopted—

Which, on motion of Mr. Betts, was laid on the table.

On motion of Mr. Foster of Barbour, the vote by which Senate bill—

s. 340. To fix the times and places of holding chancery courts in the southern chancery division—

Passed.

Also, vote ordering the bill to a third reading.

Agreed to.

Mr. Foster of Barbour moved to amend as follows:

In subdivision six change 5th to 9th Monday.

In subdivision nine change three days to one week.

The amendment was adopted.

And the bill ordered to a third reading forthwith, read the third time, and passed—yeas 72, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Caldwell, Campbell, Cooper, Curtis, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Kennedy, Lawrence, Lawson, Lee, Lowther, Lyons, Massey, Muldon, McDougald, Nettles, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Willett—72.

Mr. Waller, from the committee on corporations, reported favorably to the Senate bill—

s. 169. To repeal section 4 of an act entitled an act to authorize the city council of Eufaula to adjust and settle all claims of indebtedness now outstanding against said city, approved February 6, 1877.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 70, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Barnett, Betts, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cooper, Culver, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hearn, Heacock, Hughes, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawson, Lee, Lowther, Lyons, Massey, Molett, Muldon, McDougald, Nettles, Patton, Pearson, Pitts, Purifoy, Ralls, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Woolf, Winn—70.

Also, from same committee, reported favorably to the Senate bill—

s. 327. To authorize the mayor and councilmen of the town of Greensboro to adjust, compromise, and settle the bonded indebtedness of said town.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 71, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Boger, Boykin, Caldwell, Campbell, Cochrane, Cooper, Culver, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Foshee, Foster of Macon, Griggs,

Haigler, Hearn, Heacock, Hughes, Hutto, Jack, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, McIlwain, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Mobile, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf—71.

Also, from same committee, reported favorably to the Senate bill—

s. 180. To incorporate the town of North Port.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 69, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Ash, Bailey, Betts, Boger, Boykin, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Lawrence, Clark of Mobile, Dark, Davis, Dawson, English, Foshee, Fuller, Fletcher, Griggs, Hand, Hearn, Heacock, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Molett, Muldon, McDougald, McIlwain, Nicholson, Owens, Patton, Pearson, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Stribling, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—69.

Also, favorably to the Senate bill—

s. 250. To amend an act approved February 7, 1870, to to incorporate the town of Uniontown in Perry county.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 70, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Boykin, Bradford, Caldwell, Cooper, Curtis, Clark of Mobile, Dark, Davis, Davidson, Dawson, Dolive, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kirkpatrick, Lawrence, Lawson, Lee, Lowther, Lyons, Martin, Massey, McDougald, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ramsey, Register, Reynolds, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Wood, Woolf—70.

The House concurred in the amendment of the Senate to the bill—

H. B. 510. To amend certain sections of the charter of the city of Selma.

Yeas 64, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Boger, Caldwell, Campbell, Cooper, Culver, Curtis, Clark of Lawrence, Crutcher, Dark, Davis, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hearn, Heacock, Hughes, Huey, Hutto, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, McDougald, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Reynolds, Rushing, Sanders of Lamar, Saunders of Madison, Sheid, Smith of Autauga, Smith of Mobile, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Wood, Woolf—61.

On motion of Mr. Smith of Mobile the Senate joint memorial—

s. 368. In relation to permanent improvement of the Tennessee and Coosa rivers,

Was adopted.

Mr. Taylor of Lauderdale, from the committee on local legislation, reported favorably to the Senate bill—

s. 272. To authorize the judge of probate and court of county commissioners of Hale county to adjust, compromise and settle the bonded indebtedness of said county.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 66, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Boger, Bowdon, Boykin, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Lawrence, Clark of Mobile, Crutcher, Dark, Davis, Dawson, Dolive, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, McDougald, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Ramsey, Reynolds, Riley, Rushing, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Taylor of Lauderdale, Thompson, Waller, Willett, Williams, Wood, Woolf—66.

Also, from same committee, reported favorably, with amendment, to Senate the bill—

s. 213. To amend sections 2 and 16 of an act approved April 15, 1873, to establish a new charter for the town of Florence.

Amend section 1, in regard to voters.



The amendment was adopted,

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 56, nays 1.

Yeas—Messrs. Akers of Marion, Armstrong, Bailey, Barnett, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Lawrence, Clark of Mobile, Critcher, Dark, Davis, Davidson, Dawson, Dolive, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Heacock, Hughes, Huey, James, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Muldon, Nicholson, Owens, Patton, Pearson, Purifoy, Ralls, Ramsey, Register, Reynolds, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Wood, Woolf—56.

Mr. Speaker voted nay.

Also, from same committee, reported favorably to the Senate bill—

s. 106. To regulate legal advertising in the county of Henry.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 68, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Armstrong, Ash, Barnett, Betts, Brooks, Caldwell, Campbell, Cochrane, Culver, Curtis, Clark of Lawrence, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Evans, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Muldon, McDougald, Nicholson, Patton, Pearson, Purifoy, Ralls, Ramsey, Register, Reynolds, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf—68.

Also, from same committee, reported favorably to the Senate bill—

s. 329. To provide a fund for the payment of witnesses for the States in the circuit court of Dallas county and in the city court of Selma, and to prescribe their compensation.

The bill was ordered to a third reading forthwith, and read the third time, and passed—yeas 65, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Ash, Barnett, Betts, Billingslea, Boger, Boykin, Brooks, Caldwell, Campbell, Cooper, Culver, Clark of Lawrence, Crutcher, Dark, Davis, Davidson, Dawson, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, James, Jolley,

Kennedy, Lawrence, Lawson, Lowther, Lyons, Massey, Molett, Muldon, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Register, Reynolds, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Taylor of Lauderdale, Thompson, Willett, Williams, Wood, Woolf—65.

Also, from same committee, reported favorably to the Senate bill—

s. 225. To fix the per diem and mileage of the commissioners' court of Bullock county.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 65, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Armstrong, Ash, Barnett, Betts, Boger, Brooks, Caldwell, Campbell, Cochran, Cooper, Culver, Curtis, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Gilbert, Griggs, Hand, Heacock, Hughes, Huey, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Muldon, Nettles, Nicholson, Pitts, Purifoy, Ralls, Register, Reynolds, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Stribling, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf—65.

The House concurred in the amendments of the Senate to the bill—

H. B. 419. To authorize the redemption of lands or real estate sold for taxes and purchased by or in the name of the State.

Yeas 62, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Ash, Betts, Billingslea, Boger, Boykin, Caldwell, Campbell, Cochran, Cooper, Culver, Curtis, Clark of Mobile, Crutcher, Dark, Davis, Dawson, Dolive, English, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Heacock, Hughes, James, Jolley, Kennedy, Lawrence, Lawson, Legg, Lowther, Lyons, Muldon, Nettles, Pitts, Purifoy, Ralls, Register, Reynolds, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Smith of Autauga, Smith of Mobile, Stribling, Thompson, Walker, Willett, Williams, Wood, Woolf—62.

#### BILLS ON SECOND READING.

The Senate bill—

s. 334. To remove and transfer the administration on the

estate of Mary L. Gayle, deceased, from the probate court of Mobile county to the probate court of Dallas county, and to confer jurisdiction of said estate upon said probate court of Dallas,

Was read the second time and referred to a select committee of three.

The Senate bill—

s. 335. To confer jurisdiction upon the probate judge of Perry county, concurrent with the circuit court, with authority to hold court at Uniontown,

Was read the second time and referred to the committee on local legislation.

#### ACCOUNTS AND CLAIMS.

Mr. Lowther, from the committee on accounts and claims, reported favorably to the Senate bill—

s. 239. To require the registration of certain claims against the county of Monroe.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 60, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Bailey, Betts, Boger, Boykin, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hearn, Heacock, James, Kennedy, Lawrence, Lee, Lowther, Martin, Massey, Muldon, McIlwain, Nettles, Pearson, Purifoy, Ralls, Register, Reynolds, Rushing, Saunders of Madison, Sheid, Smith of Autauga, Smith of Mobile, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf.

Also, from same committee, reported favorably to the Senate bill—

s. 308. To authorize an investigation of the claim of the sureties of L. M. Stiff, late receiver of public moneys, at Centre, in Cherokee, against the State, and the payment thereof, if found to be a valid legal obligation against the State.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 55, nays 1.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Billingslea, Boger, Bowdon, Brooks, Caldwell, Campbell, Cooper, Culver, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Fonville, Foshee, Fletcher,

Gilbert, Griggs, Hearn, Huey, Jack, Kennedy, Lawrence, Lawson, Lee, Legg, Lowther, Massey, Muldon, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Ramsey, Register, Reynolds, Rushing, Sanders of Lamar, Saunders of Madison, Sheid, Smith of Autauga, Smith of Mobile, Taylor of Lauderdale, Thompson, Walker, Williams, Woolf—55.

Mr. Waller voted nay.

Also, reported favorably to the Senate bill—

s. 191. For the relief of Miss M. H. Turner, of the county of Lawrence.

The bill was ordered to a third reading forthwith, and read the third time and passed—yeas 49, nays 7.

Yeas—Messrs. Speaker, Alexander, Betts, Boger, Bowdon, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Crutcher, Davidson, Dawson, Dolive, Fuller, Fletcher, Gilbert, Haigler, Hughes, Hutto, Jack, Kennedy, Lawrence, Lawson, Lee, Lowther, Lyons, Nettles, Nicholson, Pearson, Purifoy, Ralls, Reynolds, Rushing, Sanders of Lamar, Saunders of Madison, Sheid, Smith of Autauga, Smith of Mobile, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—49.

Nays—Messrs. Armstrong, Brooks, Dark, Fonville, Griggs, Hand, Massey—7.

#### COUNTIES AND COUNTY BOUNDARIES.

Mr. Ralls, from the committee on counties and county boundaries, reported favorably, with amendment, to the Senate bill—

s. 325. To appoint commissioners to permanently locate the county seat of Geneva county.

Amend by striking out words "after passage of this act," and inserting "after the ratification of the change in the boundary and limits of the county of Geneva."

The amendment was adopted.

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 62, nays 0.

Yeas—Messrs. Speaker, Armstrong, Ash, Barnett, Betts, Boger, Caldwell, Campbell, Cochrane, Cooper, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Huey, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lowther, Lyons, Massey, Muldon, McIlwain, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of

Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Stribling, Taylor of Choctaw, Thompson, Walker, Willett, Williams, Woolf—62.

Mr. Ralls, from the same committee, reported a substitute for the Senate bill—

s. 322½. To define the boundary lines between the counties of Henry, Geneva, Coffee and Dale.

The substitute was adopted,

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 62, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Alexander, Armstrong, Ash, Barnett, Betts, Boger, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Dark, Davis, Davidson, Dolive, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Hearn, Heacock, Hughes, Huey, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Lowther, Lyons, Massey, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Stribling, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—62.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,

Feb. 12, 1879.

*Mr. Speaker:*

The President of the Senate having signed the following bills, your signature is requested:

s. 248. To fix the amount of the appropriation for the maintenance of the Normal school for white male and female teachers at Florence;

s. 369. To fix the times of holding the circuit courts in the sixth judicial circuit of Alabama;

s. 316. For the relief of W. L. Ferguson, tax collector of DeKalb county;

s. 346. To regulate the times and places of holding the chancery courts in the western chancery division of Alabama, composed of the counties of Marengo, Sumter, Greene, Pickens, Fayette, Lamar, Marion, Franklin, Colbert, Lauderdale, Limestone, Lawrence, Winston, Walker, Tuscaloosa, Hale, Perry, Bibb, Shelby, Jefferson, Blount, Cullman and Morgan;

s. 365. To fix the times, terms and places of holding the

circuit courts in the several counties composing the fourth judicial circuit, as constituted by the act of the present General Assembly, dividing the State into judicial circuits;

s. 212. To repeal sections 67, 68 and 69, of the Code;

s. 56. To authorize and require the governor, auditor and treasurer, to inquire into the validity of certain claims against the State of Alabama, and to report the result of their investigations to the next session of the General Assembly;

s. 341. To fix the times and places for holding the circuit courts in the third judicial circuit;

s. 297. To change the time of holding the January term of the circuit court of Blount county;

s. 165. To establish a school district in Conecuh county, to be known as the Evergreen school district;

s. 302. To fix the time of holding the fall term of the circuit court of the county of Clarke, for the year 1879;

s. 370. To fix the time of holding the circuit courts, and the time of pleading, in the first judicial circuit of Alabama;

s. 291. To fix the time of holding the circuit courts of the eighth judicial circuit of Alabama;

s. 185. To amend section 608 of the Code, fixing the time of holding the courts in the southern chancery division;

s. 278. To provide for printing and distributing the report of the State geologist, and for color plates and printing the maps of the counties of Fayette, Marion, Winston and Walker, which accompany said report.

W. L. CLAY,  
Secretary of Senate.

And the Speaker, in the presence of the House, immediately after their titles had been publicly read, signed said bills.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
February 12, 1879.

*Mr. Speaker:*

The Senate has concurred in the report of the committee of conference on the bill—

s 156. To amend an act to fix the times of holding the circuit courts in the 12th judicial circuit.

And has concurred in the House amendments to the bills:

s. 339. To divide the southern chancery division into districts;

s. 258. To make the provisions of section 3606 of the Code of Alabama, applicable to Blount county.

And has passed the bill—

H. B. 378. To amend section 439 of the Code of Alabama.

And has amended and passed the bill—

H. B. 658. Relating to land sold for the payment of taxes.

And has passed the bills—

H. B. 656. To carry into effect the health laws of the State.

H. B. 310. Making an appropriation for the benefit of the supreme court library.

H. B. 808. To authorize an exchange for certain coupons, under an act to ratify and confirm the settlement of the existing indebtedness of this State, as proposed in the report of the commissioners appointed under the act approved 17th December, 1874, and which was communicated to the General Assembly by message of the governor of 24th January, 1876, and to carry said settlement into effect by the issuance of new bonds of this State of a reduced rate of interest in adjustment of a portion of said indebtedness, and the surrender of certain securities held by the State in discharge of another portion of said indebtedness, approved February 23d, 1876.

W. L. CLAY,  
Secretary of Senate.

#### ENROLLED BILLS SIGNED.

Mr. Fletcher, from the committee on enrolled bills, reported the following bills as correctly enrolled :

And the speaker, in the presence of the House, immediately after their titles had been publicly read, signed said bills:

H. B. 161. To require banks, bankers, insurance companies and others engaged in the business of lending money, to give receipts for collaterals.

H. B. 500. An act to make the fees of the officers of courts of Wilcox county, in certain criminal cases, receivable in payment of debts due said county for fines and forfeitures.

H. B. 262. An act to repeal the proviso contained in an act, approved February 5th, 1858, entitled "An act to establish jury trials in justices' courts," which proviso excepts the counties of DeKalb and Cherokee from the operations of said act

H. B. 510. To amend sections 2, 7, 38, 39, 40, 45, 46, 47, 48, 49, 50, 51 and 54 of the charter of the city of Selma.

The House concurred in the amendment of the Senate to the bill—

H. B. 658. Relating to land sold for the payment of taxes. Yeas 43, nays 6.

Yeas—Messrs. Speaker, Akers of Jefferson, Armstrong, Ash, Barnett, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Mobile, Dark, Davidson, Dawson, Dolive, Fonville, Fuller, Fletcher, Griggs, Haigler, Hearn, Heacock, Huey, Hutto, Jolley, Kennedy, Kirkpatrick, Lawson, Lowther, Mollett, Muldon, McIlwain, Nettles, Pearson, Purifoy, Ralls, Reynolds, Rushing, Saunders of Lamar, Sheid, Stribling, Taylor of Choctaw, Williams, Wood, Woolf—43.

Nays—Messrs. Betts, Boger, Foshee, Foster of Macon, Smith of Autauga and Thompson—6.

#### PENITENTIARY.

Mr. Nicholson, from the committee on penitentiary, reported favorably to the Senate bill—

s. 350. To amend section 4546 of the Code.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 62, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Alexander, Armstrong, Barnett, Betts, Boger, Caldwell, Campbell, Cochrane, Culver, Clark of Lawrence, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jolley, Kirkpatrick, Lawrence, Lawson, Lyons, Massey, Muldon, McIlwain, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—62.

Mr. Nicholson, from the same committee, reported favorably to the Senate bill—

s. 317. To regulate the hire of convicts sentenced to penitentiary.

Mr. Stribling moved to amend by striking out "ten" and inserting "five."

Lost.

Mr. Boger moved to amend by striking out "ten" and inserting "one".

Lost.



The bill was then read the third time and passed—yeas 65, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Alexander, Armstrong, Ash, Bailey, Betts, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Lawrence, Clark of Mobile, Crutcher, Davis, Davidson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jolley, Lawrence, Lawson, Legg, Lowther, Lyons, Massey, Muldon, McIlwain, Nettles, Nicholson, Patton, Pearson, Ralls, Register, Reynolds, Riley, Rushing, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Stribling, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—65.

Mr. Boger voted nay.

Leave of absence was granted—

To Mr. Clark of Conecuh for the remainder of session.

#### PUBLIC ROADS AND HIGHWAYS.

Mr. Pearson, from the committee on public roads and highways, reported favorably to the Senate bill—

s. 316. To require apportioners and overseers to do road duty in Fayette, Lamar and Marion counties.

Mr. Lawrence moved to amend by including Cherokee county.

Adopted.

The title was amended,

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 59, nays 3.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Ash, Bailey, Barnett, Boger, Boykin, Brooks, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Fonville, Foshee, Foster of Macon, Fuller, Giggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jolley, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Muldon, McIlwain, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Reynolds, Sanders of Lamar, Sheid, Smith of Autauga, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—59.

Nays—Messrs. Culver, Foster of Barbour and Massey—3.

Mr. Pearson, from same committee, reported favorably to the Senate bill—

s. 127. To amend section 1630 of the Code.

Amendments were offered to exempt Hale and other counties.

On motion of Mr. Foster of Barbour—

The bill was laid on the table.

Mr. Pearson, from same committee, reported favorably to the Senate bill—

s. 348. To enable the corporate authorities of the town of Leighton to more effectually secure the performance of work on the streets, &c., of said town.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 69, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Bowdon, Boykin, Bradford, Campbell, Cooper, Curtis, Clark of Mobile, Dark, Davidson, Dawson, Dolive, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jolley, Kirkpatrick, Lawrence, Lawson, Legg, Lowther, Lyons, Massey, Molett, Muldon, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Waller, Willett, Wood, Woolf—69.

Mr. Davis voted nay.

On motion, the House took a recess until 4 P. M.

#### AFTERNOON SESSION.

At 4 P. M. the House re-assembled.

The House concurred in the amendment of the Senate to the bill—

H. B. 101. To require mortgagees to enter on margin of the record, at the request of any *bona fide* creditor, the amount received by them.

Yeas 57, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Betts, Bowdon, Bradford, Brooks, Campbell, Cooper, Crutcher, Dark, Davis, Dawson, Dolive, Evans, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hutto, Jolley, Lawrence, Lawson, Lee, Legg, Lowther, McIlwain, Nicholson, Patton, Pearson, Purifoy, Ralls, Ramsey, Riley, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Thompson, Walker, Waller, Willett, Wood, Woolf—57.

Also concurred in the amendment of the Senate to the bill—

H. B. 341. To amend section 1817 of the Code of Alabama.  
Yeas 55, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Betts, Boger, Bowdon, Bradford, Campbell, Cooper, Culver, Curtis, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Foshee, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Heacock, Hutto, Jolley, Lawrence, Lawson, Legg, Lowther, McIlwain, Nicholson, Patton, Pearson, Purifoy, Ralls, Ramsey, Riley, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Wood, Woolf—55.

The House refused to concur in the amendment of the Senate to the bill—

H. B. 86. To regulate the number of persons to serve as grand and petit jurors for certain counties,

And, on motion of Mr. Lawrence, a committee of conference was asked for, consisting of three from the House and two from the Senate.

Committee: Messrs. Lawrence, Legg and Akers of Marion.

The House concurred in the amendment of the Senate to the bill—

H. B. 288. To provide for appeals from convictions by municipal officers.

Yeas 59, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Bowdon, Bradford, Brooks, Caldwell, Campbell, Cooper, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Foshee, Foster of Barbour, Fuller, Gilbert, Griggs, Haigler, Heacock, Hutto, Jolley, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Nicholson, Patton, Pearson, Purifoy, Ralls, Ramsey, Register, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—59.

Also, concurred in the amendment of the Senate to the bill—

H. B. 162. To amend section 4196 of the Code.

Yeas 60, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Alexander,

Armstrong, Bailey, Barnett, Betts, Boger, Bowdon, Bradford, Brooks, Caldwell, Campbell, Cooper, Culver, Curtis, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Foshee, Foster of Barbour, Fuller, Gilbert, Griggs, Haigler, Heacock, Hutto, Jolley, Kirkpatrick, Lawrence, Lawson, Legg, Lowther, Lyons, Massey, McIlwain, Nicholson, Patton, Pearson, Purifoy, Ralls, Ramsey, Riley, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Wood—60.

Mr. Steele voted nay.

Also, concurred in the amendment of the Senate to the bill—

H. B. 852. To regulate the time of holding circuit courts of the 5th judicial circuit of Alabama.

Yeas 60, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Bailey, Barnett, Billingslea, Boger, Bowdon, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Evans, Foshee, Foster of Barbour, Fuller, Gilbert, Griggs, Haigler, Hand, Heacock, Jolley, Kennedy, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Lyons, Massey, Muldon, McIlwain, Pearson, Purifoy, Ralls, Ramsey, Register, Riley, Sanders of Lamar, Sharpe, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Wood—60.

Also, concurred in the amendment of the Senate to the bill—

H. B. 484. To regulate and increase the jurisdiction of the probate courts of this State.

Yeas 69, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Bowdon, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Foulville, Foshee, Foster of Barbour, Fuller, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Massey, Muldon, Nicholson, Pearson, Purifoy, Ralls, Ramsey, Register, Riley, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Wood—69.

Mr. Boger voted nay.

## SIGNING BILLS.

Mr. Fletcher, from the committee on enrolled bills, reported as correctly enrolled the following bills, and the Speaker, in the presence of the House, immediately after the titles had been publicly read, signed said bills:

H. B. 378. To amend section 439 of the Code of Alabama.

H. B. 419. To authorize the redemption of lands or real estate sold for taxes and purchased by or in the name of the State.

H. B. 656. To carry into effect the health laws of the State.

H. B. 808. To authorize an exchange for certain coupons, under an act to ratify and confirm the settlement of the existing indebtedness of this State, as proposed in the report of the commissioners appointed under the act approved 17th December, 1874, and which was communicated to the General Assembly by message of the governor of 24th January, 1876, and to carry said settlement into effect by the issuance of new bonds of this State of a reduced rate of interest in adjustment of a portion of said indebtedness, and the surrender of certain securities held by the State in discharge of another portion of said indebtedness, approved February 23d, 1876.

H. B. 618. To regulate the holding of the circuit court of Barbour county.

H. B. 341 To amend section 1817 of the Code of Alabama.

## PUBLIC ROADS AND HIGHWAYS.

Mr. Pearson, from the committee on public roads and highways, reported favorably to the Senate bill—

s. 274. To amend section 1633 of the Code.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 71, nays 0.

Yeas - Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Fonville, Foshee, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Hutto, Jolley, Kennedy, Kirkpatrick, Lawson, Lee, Legg, Lowther, Massey, Muldon, Mellwain, Nicholson, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Riley, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith

of Autauga, Smith of Mobile, Stribling, Taylor of Choctaw, Tylor of Lauderdale, Thompson, Walker, Waller, Willett, Wood, Woolf—71.

Mr. Lawrence, from the committee on State capitol, reported favorably, with amendment, to the Senate bill—

s. 252. To provide for repairing and refurnishing the capitol.

Amend by striking out "seven thousand and five hundred" and inserting "six thousand."

The amendment was adopted,

And the bill was ordered to a third reading forthwith, read the third time and passed—yeas 74, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochran, Cooper, Culver, Curtis, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Hutto, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, McIlwain, Nicholson, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Riley, Rushing, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Woolf—74.

Mr. Griggs, from the committee on the military, reported favorably to the Senate bill—

s. 355. For the relief of P. Sanguinetti

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 70, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Bailey, Barnett, Betts, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochran, Cooper, Culver, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hughes, Huey, Hutto, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, McIlwain, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Riley, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Stribling, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—70.

Mr. Steele voted nay.

Mr. Griggs, from the same committee, reported favorably to the Senate bill—

s. 333. To regulate the employment of militia and volunteer forces of Alabama, and the enforcement of the laws thereof.

Mr. Armstrong moved to amend by adding at the end of section 12 the following—

And in such case it shall be the duty of the officer commanding such troops or militia forthwith to arrest and turn over to some civil magistrate.

Adopted.

And the bill was ordered to a third reading forthwith, read the third time and passed—yeas 52, nays 24.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Bowdon, Boykin, Bradford, Brooks, Caldwell, Culver, Clark of Mobile, Dark, Davidson, Dawson, Dolive, Foshee, Foster of Macon, Fuller, Griggs, Haigler, Hughes, Huey, Hutto, James, Kirkpatrick, Lawson, Lee, Lowther, Lyons, Martin, Massey, Muldon, McIlwain, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Rushing, Sanders of Lamar, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Wood—52.

Nays—Messrs. Alexander, Bailey, Betts, Billingslea, Boger, Campbell, Curtis, Crutcher, Davis, Evans, Fonville, Fletcher, Gilbert, Hearn, Heacock, Kennedy, Lawrence, Legg, Ramsey, Sanders of Lamar, Sharpe, Steele, Taylor of Lauderdale, Woolf—24.

Mr. Lawson, from the committee on appropriations, reported favorably, to the Senate bill—

s. 209. To refund to the Methodist Protestant church, of the city of Montgomery, taxes illegally assessed and paid on church property.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 73, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Boger, Bowdon, Boykin, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Huey, Hutto, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Muldon, McIlwain, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe,

Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—73.

Also, from same committee, reported favorably to the Senate bill—

s. 292. For the relief of Calvin F. Carson, sheriff of Lauderdale county.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 71, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Boykin, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Mobile, Crutcher, Dark, Davis, Dawson, Dolive, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Huey, Hutto, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lowther, Martin, Massey, Muldon, McIlwain, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Riley, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—71.

Also, from same committee, reported favorably to the Senate bill—

s. 328. For the relief of Walker county.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 55, nays 11.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Mobile, Dark, Davidson, Dawson, Fonville, Fuller, Fletcher, Gilbert, Hutto, Kennedy, Kirkpatrick, Lawson, Lee, Legg, Lowther, Massey, Molett, Muldon, McIlwain, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—55.

Nays—Messrs. Billingslea, Boger, Davis, Griggs, Hearn, Heacock, Hughes, Lawrence, Molett, Riley, Taylor of Lauderdale—11.



## MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
February 12, 1879.

*Mr. Speaker :*

The President of the Senate having signed the following bills, your signature is requested :

- s. 180. To incorporate the town of Northport ;
- s. 323. To require the commissioners court of Henry county to make an appropriation to aid in the erection of a court house and jail in Geneva county ;
- s. 333. To divide the southern chancery division into districts ;
- s. 225. To fix the per diem and mileage of the commissioners court of Bullock county ;
- s. 306. To incorporate the "Alabama State Bar Association ;"
- s. 169. To repeal section four of an act entitled an act to authorize the city council of Eufaula to adjust and settle all claims of indebtedness now outstanding against said city, approved Feb. 6, 1877 ;
- s. 308. To authorize an investigation of the claim of the sureties of L. M. Stiff, late receiver of public moneys at Centre, in Cherokee county, against the State, and the payment thereof, if found to be a valid obligation against the State.

W. L. CLAY,  
Secretary of Senate.

And the Speaker, in the presence of the House, immediately after the titles had been publicly read, signed said bills.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
Feb. 12, 1879.

*Mr. Speaker :*

The Senate refuses to concur in the amendments of the House to the bill—

- s. 138. To authorize the issue of the bonds of the State to the amount of one million of dollars, for the purpose of paying and retiring the obligations of the State, issued under an act approved Dec. 19, 1873, to provide for funding the domestic debt of the State,

And asks for a committee of conference of three from each House on said bill.

Committee—Messrs. Chambers, Troy and Clark.

And has concurred in the House amendments to the bill—

s. 325. To appoint commissioners to permanently locate the county site of Geneva county ;

s. 340. To fix the times and places of holding the chancery courts in the southern chancery division ;

s. 322½. To define the boundary lines between the counties of Henry, Geneva Coffee and Dale ;

s. 252. To provide for repairing and refurnish the capitol of the State ;

s. 316. To require apportioners and overseers of roads in the counties of Fayette, Lamar and Marion, to do road service after the expiration of their terms of service as such apportioners and overseers ;

s. 213. To amend sections 2 and 16 of an act, approved April 13, 1873, to establish a new charter for the town of Florence.

W. L. CLAY,  
Secretary.

The House agreed to the request of the Senate for a committee of conference.

Committee—Messrs. Betts, Clark of Mobile and Taylor of Lauderdale.

Mr. Purifoy, from the committee on agriculture and commerce, reported favorably to the Senate bill—

s. 68. To prescribe the *venue* of suits against corporations.

Mr. Ralls called for the previous question.

The main question was ordered to be put.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 69, nays 8.

Yeas—Messrs. Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Billingslea, Boger, Bowdon, Boykin, Bradford, Caldwell, Campbell, Cooper, Culver, Curtis, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, English, Evans, Foshee, Foster of Macon, Fuller, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Molett, Muldon, McIlwain, Nicholson, Patton, Pearson, Purifoy, Ralls, Ramsey, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Steele, Stribling, Taylor of Choctaw, Thompson, Walker, Waller, Williams, Wood—69.

Nays—Messrs. Speaker, Betts, Cochrane, Fletcher, Martin, Smith of Mobile, Taylor of Lauderdale, and Willett—8.

Mr. Clark of Mobile, give notice of a motion to reconsider the vote just taken.

Mr. Ralls, from the same committee, reported favorably to the bill—

s. 326. To prevent illegal impounding of animals running at large.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 63, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Betts, Boger, Caldwell, Campbell, Cochrane, Cooper, Culver, Clark of Mobile, Crutcher, Dark, Davidson, Dawson, Dolive, Fonville, Foshee, Foster of Macon, Fuller, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jolley, Kirkpatrick, Lawrence, Lawson, Lee, Lowther, Lyons, Martin, Massey, Molett, McIlwain, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Ralls, Ramsey, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—63.

Mr. Davis voted nay.

Mr. Purifoy submitted the following report:

*Mr. Speaker:* The undersigned, a majority of the committee on agricultural and commerce, to which was referred the Senate bill 167—

To prevent the wrongful cutting, boxing or girdling of pine trees for the purpose of obtaining crude turpentine;

Have had the same under consideration, and instruct me to report favorably the same back to the House and recommend its passage.

JOHN W. PURIFOY,  
Chairman.

W. J. SMITH,  
W. P. JACK,  
N. MCCARRON,  
A. J. FULLER.

Messrs. Hughes, Lee, Dawson and Legg, submitted a minority report, adversely to the bill.

Mr. Stribling moved to lay the bill on the table—

Agreed to.

Leave of absence for Messrs. Bowdon and Boger, was granted from to-night session.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
February 12, 1879.

*Mr. Speaker:*

The Senate has amended as therein shown and passed the bills—

H. B. 785. For the relief of blind soldiers.

H. B. 169. For the relief of maimed soldiers.

W. L. CLAY,  
Secretary.

On motion of Mr. Stribling, the House took a recess till 7½ o'clock this evening.

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NIGHT SESSION.

February 12.

The House met pursuant to adjournment.

Leave of absence for to-night was granted to Mr. Smith of Autauga.

The House proceeded to the consideration of the amendment of the Senate to the bill—

H. B. 169. For the relief of maimed soldiers.

Mr. Foster of Macon moved that the House do not concur in the Senate amendment—

Which was agreed to.

The House concurred in the amendment of the Senate to the bill—

H. B. 785. For the relief of blind soldiers.

Yeas 59, nays 2.

Yeas—Messrs. Speaker, Akers of Jefferson, Alexander, Ash, Bailey, Betts, Billingslea, Bowdon, Boykin, Bradford, Campbell, Cochrane, Culver, Curtis, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Jack, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lyons, Martin, Massey, Nicholson, Patton, Pitts, Purifoy, Ralls, Rushing, Sanders of Lamar, Sharpe, Sheid, Steele, Thompson, Walker, Waller, Willett, Woolf—59.

Nays—Messrs. Cooper and Ramsey—2.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, \*  
February 12, 1879.

*Mr. Speaker:*

The Senate has amended, as therein shown, and passed—  
H. B. 564. To fix the rate of taxation in this State.  
H. B. 294. To provide for the sale of land and other real estate for delinquent taxes, and the redemption thereof.  
And has passed the bills—  
H. B. 326. To amend section 399 of the Code of Alabama.  
H. B. 376. To regulate the trial of misdemeanors in the county of Madison.

W. L. CLAY,  
Secretary of Senate.

Mr. Woolf moved that the House do not concur in the amendment of the Senate to the bill—

H. B. 564. To fix the rate of taxation in this State ;

And that a committee of conference, consisting of three on the part of the House, one of which shall be the Speaker, shall be raised

The motion was agreed to.

Committee on the part of the House :

Messrs. Woolf, Muldon and the Speaker.

The House concurred in the amendment of the Senate to the bill—

H. B. 294. To provide for the sale of land and other real estate for delinquent taxes, and the redemption thereof.

Yeays 59, nays 2.

Yeas—Messrs. Speaker, Akers of J., Akers of M., Alexander, Armstrong, Ash, Betts, Billingslea, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Critcher, Dark, Davis, Davidson, Dawson, Dolive, Fonville, Foshee, Foster of Macon, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lyons, Martin, Massey, McIlwain, Nicholson, Patton, Pitts, Purifoy, Ralls, Ramsey, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Mobile, Steele, Stribling, Thompson, Walker, Waller, Woolf—59.

Nays—Messrs. Crutcher and Taylor of Lauderdale—2.

## MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,  
MONTGOMERY, ALA., Feb. 12, 1879.

*Mr. Speaker :*

The governor has approved the following bills, which originated in the House of Representatives :

H. B. 698. To incorporate the port of Mobile, and to provide for the government thereof.

H. B. 695. To vacate and annul the charter and dissolve the corporation of the city of Mobile, and to provide for the application of the assets thereof in the discharge of the debts of said corporation.

H. B. 515. For the relief of the Perdido Bay Lumber Company.

H. B. 289. To provide for and regulate the fine and forfeiture fund in the counties of Macon, Monroe, Washington, Jefferson and Randolph.

H. B. 237. To increase the criminal jurisdiction of justices of the peace in Limestone, Butler, Marion, DeKalb and Marshall counties.

H. B. 279. An act to prohibit camp-hunting in the county of Washington.

H. B. 611. To establish the Warrior agricultural district, to provide for securing of the same, and the management of its affairs.

H. B. 396. To further regulate the securing, preservation and sales of the swamp and overflowed lands of the State.

H. B. 351. To establish a chancery court for the county of Cullman, and fix the time of holding the same.

H. B. 228. To repeal an act to consolidate the offices of circuit clerk and tax assessor for the county of Escambia.

H. B. 161. To require banks, bankers, insurance companies and others engaged in the business of lending money, to give receipts for collaterals.

H. B. 500. To make the fees of the officers of court of Wilcox county, in certain criminal cases, receivable in payment of debts due said county for fines and forfeitures.

H. B. 262. To repeal the proviso contained in an act, approved February 5, 1878, entitled an act to establish jury trials in justices' courts, which proviso excepts the counties of DaKalb and Cherokee from the operations of said act.

H. B. 486. To define who are agents of insurance compa-

nies not incorporated by or under the laws of this State, and to fix their liability for acting without authority of law.

H. B. 312. To amend section 5047 of the Code.

H. B. 293. To amend section 751 of the Code ;

H. B. 710. To establish an inferior court of criminal jurisdiction for the county of Mobile, and to define the jurisdiction of said court, and the criminal jurisdiction of justices of the peace in said county.

H. B. 699. To amend section 4369 of the Code.

H. B. 255. To require the secretary of state to make annual reports to the governor ;

H. B. 510. To amend sections 2, 7, 38, 39, 40, 45, 46, 47, 48, 49, 50, 51 and 54, of the charter of the city of Selma.

H. B. 585. To amend sections 1947, 1949, 1952, 1959, 1970, 1971, 1973, 1975, and to repeal sections 1972, 1974, 1984 and 1985, of the Code of Alabama relating to free banking corporations ;

H. B. 489. An act to amend subdivision K of section 5032 of the Code.

H. B. 273. An act to enable married women whose husbands are insane, or *non compos mentis*, to convey real estate.

H. B. 619. To regulate the record of conveyances in Barbour county.

H. B. 333. An act to abolish the office of county treasurer of Lowndes county, and to provide for the duties of said office.

H. B. 433. To amend section 274 of the Code of Alabama.

H. B. 399. To regulate the weighing and sampling of cotton in the counties of Montgomery, Dallas, Bullock and Pike.

H. B. 468. To confer additional jurisdiction upon the county court of Hale county and to regulate the proceedings therein.

H. B. 224. To amend subdivision four, of section 651 of the Code of Alabama, on page 326 thereof, as to the time of holding the circuit court of Choctaw county, in the seventh judicial circuit ;

H. B. 387. An act to repeal an act to regulate the pay of the court of county commissioners of Tallapoosa county, and to regulate their pay.

H. B. 276. To repeal an act in relation to the fine and forfeiture fund of Tuscaloosa, and other counties therein named, so far as the same relates to the county of Tuscaloosa

H. B. 248. To repeal an act to establish the city court of Eufaula, approved February 14, 1870.

H. B. 784. To amend an act to prevent in certain cases the

sale, exchange and transportation of cotton in the counties of Montgomery, Bullock, Wilcox, Sumter, Autauga, and in beats Nos. 1, 2, 3, 4, 5, 6, 7, 8 and 9 of Hale, and of cotton produced in said counties;

H. B. 865. To authorize and empower the city of Eufaula to levy and collect license taxes upon any business, occupation, avocation or employment that may be carried on within its corporate limits.

H. B. 867. Joint resolution and memorial to congress asking an extension of the time within which the State of Alabama may select, and the inhabitants of the townships falling within the Chickasaw cession in Alabama may accept, the lands granted in lieu of, and as indemnity for, 16th sections falling within said cession, as provided by the act of congress of July 4, 1836, and acts amendatory thereof.

H. B. 208. To prohibit the sale, giving away, or other disposition of spirituous liquors, in beat one, of the county of Chambers.

H. B. 336. To amend section 1617 of the Code.

H. B. 373. To authorize the auditor to draw his warrants in favor of the several persons herein named, in payment of the sums expended by them for furniture, repairs, &c., furnished the two Houses of the General Assembly.

H. B. 757. To amend sections 1 and 2, of an act entitled an act authorizing the city council of Montgomery to condemn and purchase real estate as herein provided, approved April 10, 1873.

H. B. 383. To provide for the appointment of an official stenographer for the circuit and chancery courts in the county of Mobile and the city court of the city of Mobile, and to define his duties and regulate his compensation.

H. B. 457. An act to amend section 3467 of the Code.

H. B. 378. To amend section 439 of the Code of Alabama.

H. B. 656. To carry into effect the health laws of the State.

H. B. 618. To regulate the holding of the circuit courts of Barbour county.

H. B. 341. To amend section 1817 of the Code of Alabama;

H. B. 808. To authorize an exchange for certain coupons, &c.

H. B. 419. To authorize the redemption of lands or real estate sold for taxes and purchased by or in the name of the State.

Very respectfully,

THOS. H. REYNOLDS,  
Recording Secretary.



Mr. Willett, from the committee on fees and salaries, reported favorably to the Senate bill—

s. 110. To amend section 5030 (3517) of the Code.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 55, nays 4.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Ash, Bailey, Barnett, Billingslea, Bowdon, Boykin, Bradford, Caldwell, Campbell, Cooper, Culver, Curtis, Dark, Davis, Davidson, Dawson, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Hand, Hearn, Heacock, Hughes, Hutto, Jack, Kennedy, Kirkpatrick, Lawrence, Legg, Lyons, Martin, Massey, Muldon, McIlwain, Nicholson, Patton, Pitts, Purifoy, Ralls, Ramsey, Sanders of Lamar, Sharpe, Sheid, Smith of Mobile, Steele, Stribling, Thompson, Walker, Willett, Woolf—55.

Nays—Messrs. Armstrong, Dolive, Griggs and Huey—4.

Mr. Willett, from the same committee, reported favorably the the Senate bill—

s. 105. To reduce the recording fees of judges of probate, register in chancery and clerk of the supreme court.

Mr. Willett, moved to amend by striking out the words, "from and after the passage of this act," in section 1. Adopted.

And the bill was ordered to a third reading forthwith, read the third time, and passed—yeas 54, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Bradford, Caldwell, Campbell, Cooper, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Fonville, Foshee, Fuller, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Hutto, Jack, James, Kennedy, Kirkpatrick, Lawrence, Legg, Lyons, Massey, Muldon, McDougald, Nicholson, Patton, Pitts, Purifoy, Ralls, Ramsey, Sanders of Lamar, Sharpe, Sheid, Smith of Mobile, Steele, Stribling, Thompson, Walker, Willett, Woolf—54.

Also, from same committee, reported favorably to the bill—s. 28. To amend section 5025 of the Code.

Mr. Foster of Barbour, moved to amend as follows:

"*Provided*, This act shall not be operative on present incumbents."

On motion of Mr. Waller, the amendment was laid on the table.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 45, nays 6.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Barnett, Billingslea, Caldwell, Cooper,

Culver, Crutcher, Dark, Davis, Davidson, Dawson, Fonville, Foshee, Fuller, Fletcher, Hand, Hearn, Hughes, Huey, James, Kennedy, Kirkpatrick, Lawrence, Legg, Lyons, Massey, McIlwain, Nicholson, Patton, Pitts, Purifoy, Ralls, Ramsey, Sanders of Lamar, Sheid, Steele, Thompson, Walker, Waller, Willett, Woolf—45.

Nays—Messrs. Brooks, Campbell, Foster of Barbour, Foster of Macon, Griggs and Muldon—6.

#### SIGNING SENATE BILL.

FEBRUARY 12, 1879.

*Mr. Speaker :*

The President of the Senate having signed the following bill, your signature to the same is desired :

s. 250 An act entitled, An act, to amend an act, approved February 7th, 1870, to incorporate the town of Uniontown in Perry county.

W. L. CLAY, Secretary.

The Speaker, in the presence of House, immediately after the title had been publicly read, signed said bill.

Mr. Willett, from the committee on fees and salaries, reported favorably to the Senate bill—

s. 236. To repeal an act entitling the judge of probate of Clark county, to charge and receive thirty per cent. increase in the fees of his office, and five dollars for each minor apprentice.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 54, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Betts, Billingslea, Bradford, Brooks, Campbell, Cooper, Crutcher, Dark, Davidson, Dawson, Dolive, English, Fonville, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, James, Kennedy, Lawrence, Lawson, Lyons, Martin, Massey, Muldon, McIlwain, Nicholson, Patton, Pitts, Purifoy, Ralls, Ramsey, Sheid, Smith of Mobile, Stribling, Thompson, Walker, Waller, Willett, Woolf—54.

Mr. Culver, from the committee on temperance, reported favorably to the Senate bill—

s. 160. To regulate the issuing of licenses to sell vinous, spirituous or malt liquors in this State.

The bill was ordered to a third reading forthwith, read the third time and lost—yeas 19, nays 44.

Yeas—Messrs. Armstrong, Ash, Barnett, Caldwell, Culver, Davidson, Fuller, Gilbert, Hand, Kennedy, Kirkpatrick, Lawrence, Lawson, McIlwain, Nicholson, Patton, Ralls, Smith of Mobile and Waller—19.

Nays—Messrs. Akers of Marion, Betts, Billingslea, Boykin, Bradford, Brooks, Campbell, Cochrane, Cooper, Curtis, Crutcher, Dark, Davis, English, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fletcher, Griggs, Hearn, Heacock, Hughes, Hutto, Jack, James, Lee, Lyons, Martin, Massey, Muldon, Pearson, Pitts, Purifoy, Rushing, Sharpe, Sheid, Steele, Taylor of Lauderdale, Thompson, Walker, Willett, Woolf—44.

Mr. Foster of Macon offered the following resolution :

*Resolved*, That immediately after the reading of the journal to-morrow morning the judiciary committee shall be called, and its chairman shall be allowed to retain the floor until all general bills now in his hands shall be reported ; and that, after the judiciary has finished, then the ways and means committee shall report general bills, then committees in their order ; Provided, The committee on local legislation shall be first permitted to report the Senate bill in regard to holding court at Uniontown, Perry county.

Mr. Nicholson moved to amend so as to allow the special committee to report the Senate bill on quarantine.

The amendment was lost.

And the resolution was adopted.

Mr. Culver, from the committee on temperance, reported favorably to the Senate bill—

s. 190. To prohibit the sale of spirituous, vinous or malt liquors, or intoxicating bitters, or intoxicating beverages, within two miles of the Centenary Institute at Summerfield, Dallas county.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 53, nays 2.

Yeas—Messrs. Akers of Jefferson, Alexander, Armstrong, Ash, Barnett, Boykin, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, English, Evans, Foster of Barbour, Foster of Macon, Fletcher, Gilbert, Griggs, Hand, Heacock, Huey, Jack, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Martin, Massey, Muldon, McIlwain, Patton, Pearson, Ralls, Sanders of Lamar, Sharpe, Sheid, Smith of Mobile, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Willett, Woolf—53.

Nays—Messrs. Akers of Marion and James.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
February 12, 1879.

*Mr. Speaker :*

The Senate agrees to the committee of conference on the bills—

H. B. 86. To regulate the number of persons drawn to serve as grand and petit jurors for the counties of Fayette, Lamar, Washington, Cherokee, Marion, St. Clair, Monroe, Butler, Etowah, Conecuh, Calhoun, Franklin, Colbert, Chilton, Cleburne, Randolph, Escambia, Coffee, Baldwin, Pike, Talladega, Blount, Crenshaw, Cullman and Lawrence ;

H. B. 564. To fix the rate of taxation in this State,

Having refused to recede from its amendments to the last bill.

And has passed the bill—

H. B. 735. To amend section 401 of the Code of Alabama.

And recedes from its amendment to the bill—

H. B. 169. For the relief of maimed soldiers.

And has amended, as therein shown, and passed the bill—

H. B. 683. To make appropriations for the fiscal years ending September 30th, 1879, and September 30th, 1880.

And has passed the following House bills :

H. B. 715. To authorize the auditor to correct errors in settlements with tax collectors and draw his warrant for amounts found due to them ;

H. B. 427. For the relief of John P. Timberlake, John F. Anderson and William M. Cowan, of Jackson county ;

H. B. 714. To amend the first subdivision of paragraph 3, section 494 of the Code ;

H. B. 592. For the relief of C. E. Thames & Co.

H. B. 620. To amend an act to authorize the commissioners' court of Russell county to appoint a board of finance, and to issue the bonds of said county for the payment of the indebtedness thereof, approved March 17th, 1875.

W. L. CLAY,  
Secretary.

Mr. Clark of Mobile submitted the following report :

*Mr. Speaker :*

The conference committee of the two houses to whom was referred the matters of difference between the two houses, in relation to Senate bill 138, to be entitled "an act to authorize

the issue of the bonds of the State to the amount of one million of dollars for the purpose of paying and retiring the obligations of the State issued under an act approved December 19th, 1873, to provide for funding the domestic debt of the State," have had the same under consideration and submit the following report:

1. That the Senate concur in the first House amendment marked "A."
2. That the Senate concur in the second House amendment marked "B."
3. That the House recede from its third amendment marked "C."
4. That the Senate concur in the fourth House amendment marked "D."

All of which is respectfully submitted,

W. H. CHAMBERS,

D. S. TROY,

W. E. CLARKE,

Committee on part of Senate.

GAYLORD B. CLARK,

E. C. BETTS,

B. F. TAYLOR,

Committee on part of House.

The report was concurred in.

Yeas 53, nays 0.

Yeas—Messrs. Akers of Jefferson, Akers of Marion, Armstrong, Ash, Barnett, Betts, Billingslea, Boykin, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, English, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Heacock, Huey, Hutto, James, Kennedy, Kirkpatrick, Lawrence, Massey, McIlwain, Nicholson, Patton, Pearson, Pitts, Ralls, Sanders of Lamar, Sheid, Smith of Mobile, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Willett—53.

Mr. Culver, from the committee on temperance, reported favorably to the Senate bill—

s. 133. To prevent the sale, &c., of spirituous, vinous or malt liquors within two (2) miles of Hilliard's Cross Roads in Pike county.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 51, nays 2.

Yeas—Messrs. Armstrong, Ash, Betts, Billingslea, Boykin, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver,

Curtis, Clark of Mobile, Dark, Davidson, Dawson, Foshee, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Heacock, Huey, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Martin, Massey, McIlwain, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Reynolds, Sanders of Lamar, Sheid, Smith of Mobile, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Woolf—51.

Nays—Messrs. Akers of Marion and Crutcher—2.

Mr. Culver, from same committee, reported favorably, with amendment, to the Senate bill—

s. 228. To amend an act to prohibit the sale of vinous, spirituous, or other intoxicating liquors, etc., within five miles of the Methodist church, near Thomas H. Phillips' place, in Macon county, and Oak Grove station in Montgomery county.

Amend by adding—

Nor within one-half mile of said Oak Grove Station, on the Montgomery & Eufaula railroad, in Montgomery county.

On motion of Mr. Sheid, the bill was laid on the table.

Also, from same committee, reported favorably to the Senate bill—

s. 318. To prescribe the mode of granting license to sell spirituous liquors in Clarke county.

Mr. Fletcher moved to lay the bill on the table.

Lost—yeas 22, nays 29.

Yeas—Messrs. Akers of Marion, Betts, Campbell, Curtis, Crutcher, Dark, Davis, Evans, English, Foster of Macon, Fletcher, Griggs, Heacock, Hutto, Legg, Sanders of Lamar, Sheid, Steele, Taylor of Choctaw and Thompson—22.

Nays—Messrs. Akers of Jefferson, Ash, Barnett, Billingslea, Boykin, Bradford, Caldwell, Cochrane, Cooper, Culver, Clark of Mobile, Davidson, Foshee, Foster of Barbour, Gilbert, Hand, Huey, Kirkpatrick, Lawrence, Lawson, Massey, McIlwain, Pearson, Purifoy, Ralls, Walker, Waller, Willett—29.

The bill was ordered to a third reading forthwith, read the third time and lost—yeas 23, nays 28.

Yeas—Messrs. Akers of Jefferson, Ash, Barnett, Bradford, Caldwell, Cooper, Culver, Clark of Mobile, Davidson, Dawson, Foster of Barbour, Gilbert, Hand, Huey, Kirkpatrick, Lawrence, Lawson, McIlwain, Purifoy, Ralls, Willett and Woolf—23.

Nays—Messrs. Speaker, Akers of Marion, Armstrong, Betts, Boykin, Campbell, Cochrane, Curtis, Crutcher, Dark, Davis, English, Evans, Foshee, Foster of Macon, Fletcher, Griggs, Heacock, Martin, Massey, Muldon, Pearson, Sanders of La-

mar, Sheid, Steele, Taylor of Lauderdale, Thompson, Walker and Waller—28.

MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
February 12, 1879.

*Mr. Speaker:*

The Senate has concurred in the report of the committee of conference of the two Houses on the bill—

s. 138. To authorize the issue of the bonds of the State, to the amount of one million of dollars, for the purpose of paying and retiring the obligations of the State issued under an act approved December 19, 1873, to provide for funding the domestic debt of the State.

And has passed the following House bills:

H. B. 418. For the relief of J. R. McBryde, tax collector of Lawrence county.

H. B. 749. To authorize and require the auditor to draw his warrant on the tax collector of Washington county in favor of the county superintendent of education of said county for the balance due the school fund of said county, exclusive of poll tax, for the scholastic year ending September 30, 1874, and September 30, 1875.

H. B. 253. For the relief of Robert Parker, late coroner for the county of Montgomery.

H. B. 748. To authorize and require the auditor to draw his warrant on the State treasurer in favor of the county superintendent of education of Washington county for the balance due the school fund of said county, exclusive of poll tax, for the scholastic year ending Sept. 30, 1876.

W. L. CLAY,  
Secretary of Senate.

On motion of Mr. Waller, the House adjourned until tomorrow morning 9:30 o'clock.

## FIFTIETH DAY.

HOUSE OF REPRESENTATIVES,  
Thursday, February 13, 1879.

House met pursuant to adjournment.

Prayer by Rev. Mr. Davidson.

On the call of the roll, the following members answered to their names :

Yeas—Messrs. Speaker, Akers of Jefferson, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Huey, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lowther, Martin, Massey, Molett, Muldon, McIlwain, Nettles, Nicholson, Owens, Patton, Pearson, Pitts, Purifoy, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Williams, Wood, Woolf, Winn—80.

On motion, the reading of the journal was dispensed with until this evening.

## ENROLLED BILLS SIGNED.

Mr. Fletcher, from the committee on enrolled bills, reported the following bills as correctly enrolled :

And the speaker, in the presence of the House, immediately after their titles had been publicly read, signed said bills:

H. B. 735. To amend section 401 of the Code of Alabama.

H. B. 758. To amend section 6 and section 9 of an act entitled an act to amend section four (4), section six (6), section seven (7), section nine (9), sections twelve and twenty-eight (28) of an act entitled an act to amend the charter of the city of Montgomery, and the various laws heretofore passed amending said charter, approved March 3, 1870.

H. B. 658. Relating to land sold for the payment of taxes.

H. B. 376. To amend an act to regulate the trial of misdemeanors in the county of Madison.



H. B. 310. Making an appropriation for the benefit of the supreme court library.

H. B. 679. To authorize the court of county commissioners for the county of Jefferson, to issue the bonds of said county for an amount not exceeding twenty thousand dollars for certain purposes therein named.

H. B. 294. To provide for the sale of land and other real estate for delinquent taxes and the redemption thereof.

H. B. 785. For the relief of blind soldiers.

H. B. 326. To amend section 399 of the Code of Alabama.

H. B. 169. For the relief of maimed soldiers.

H. B. 162. To amend section 4196 of the Code.

H. B. 288. To provide for appeals from convictions by municipal officers.

H. B. 852. To regulate the time of holding the circuit courts of the 5th judicial circuit of Alabama.

H. B. 101. To require mortgagees to enter on margin of the record, at the request of any *bona fide* creditor, the amount received by them.

H. B. 484. To regulate and increase the jurisdiction of the probate courts of this State.

H. B. 715. To authorize the auditor to correct errors in settlements with tax collectors and draw his warrant for amounts found due them.

H. B. 620. To amend an act to authorize the commissioners court of Russell county to appoint a board of finance and to issue the bonds of said county for the payment of the indebtedness thereof, approved March 17, 1875.

H. B. 427. For the relief of John P. Timberlake, John F. Anderson and William M. Cowan of Jackson county.

H. B. 749. To authorize and require the auditor to draw his warrant on the tax collector of Washington county in favor of the county superintendent of education of said county for the balance due the school fund of said county, exclusive of poll tax for the scholastic year ending Sept. 30, 1874, and Sept. 30, 1875.

H. B. 748. To authorize and require the auditor to draw his warrant on the State treasurer in favor of the county superintendent of education of Washington county for the balance due the school fund of said county, exclusive of poll tax, for the scholastic year ending Sept. 30, 1876.

H. B. 714. To amend the first subdivision of paragraph 3 of section 494 of the Code.

H. B. 592. For the relief of C. E. Thames & Co.

H. B. 418. For the relief of J. K. McBryde, tax collector of Lawrence county.

H. B. 253. For the relief of Robert Parker, late coroner for the county of Montgomery.

Mr. Culver moved to take from the table Senate bill—

s. 167. To prevent wrongful cutting, etc., of pine trees.

Agreed to.

Mr. Woolf, from the committee on judiciary, reported favorably to the Senate bill—

s. 356. To arrange and number the districts, and to fix the terms of the courts of the eastern chancery divisions.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 62, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Alexander, Armstrong, Ash, Barnett, Betts, Billingslea, Boger, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver, Culver, Curtis, Crutcher, Dark, Davis, Davidson, Dawson, Evans, Foshee, Foster of Barbour, Fuller, Gilbert, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Jack, Jolley, Kirkpatrick, Lawson, Lee, Lowther, Massey, Molett, Muldon, McIlwain, Nettles, Nicholson, Patton, Pitts, Purifoy, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Thompson, Walker, Woolf—62.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,

February 13, 1879.

*Mr. Speaker:*

- The Senate has passed the following House bills—

H. B. 476. To authorize the mayor and councilmen of the town of Athens, Alabama, to assess and collect a special tax to build a school house, etc.

H. B. 866. To change the name of Geneva county to Gordon county.

And has amended as therein shown, and passed the bills—

H. B. 551. For the preservation of game animals and birds in the counties of Mobile, Monroe, Marengo, Baldwin, Dallas, Lowndes, Hale, Montgomery, Clarke, Greene, Wilcox, Pike, Talladega, Pickens, Bibb, Autauga, Chilton and Clay.

H. B. 673. To ratify and confirm the appointment of P. N.

Hickman by the commissioners court of Butler county to the office of coroner, and to ratify and confirm his acts in the legal discharge of his duties as such coroner.

H. B. 750. To amend section 1317 of the Code of Alabama.

W. L. CLAY,  
Secretary of Senate.

Mr. Woolf, from the judiciary committee, reported favorably, to the Senate bill—

s. 379. To fix the time of holding the courts in the 7th judicial circuit.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 74, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Boykin, Bradford, Caldwell, Campbell, Cochrane, Cooper, Culver, Curtis, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Foshee, Fuller, Gilbert, Griggs, Haigler, Hand, Hearn, Hughes, Huey, Jack, Jolley, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Martin, Massey, Muldon, McIlwain, Nettles, Nicholson, Patton, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Wood, Woolf—74.

The House concurred in amendment of the Senate to the bill—

H. B. 673. To ratify the appointment of P. N. Hickman by the commissioners court of Butler county to the office of coroner.

Yeas 70, nays 1.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Boykin, Caldwell, Campbell, Cochrane, Cooper, Culver, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Massey, Muldon, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Williams, Wood, Woolf—70.

Mr. Riley voted nay.

Also, concurred in amendment of Senate to

H. B. 551. For the preservation of game animals and birds, in the county of Mobile and other counties.

Yeas 71, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boykin, Brooks, Caldwell, Campbell, Cochrane, Cooper, Culver Curtis, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Gilbert, Griggs, Haigler, Hand, Hearn, Hencock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawson, Lee, Legg, Lowther, Massey, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Williams, Wood, Woolf—71.

Mr. Boger voted nay.

Also, proceeded to the consideration of the Senate amendments to the bill—

H. B. 683. To make appropriations for the fiscal years ending September 30, 1879, and September 30, 1880.

The vote being taken on the first amendment,

The House refused to concur in first amendment.

Yeas 15, nays 49.

Yeas—Messrs. Brooks, Campbell, English, Kirkpatrick, Lawson, McIlwain, Rushing, Smith of Mobile, Taylor of Choctaw, Williams, Wood, Woolf—15.

Nays—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Bailey, Barnett, Betts, Boger, Boykin, Bradford, Caldwell, Cooper, Curtis, Critcher, Crutcher, Dark, Davis, Davidson, Evans, Fonville, Foshee, Fuller, Gilbert, Griggs, Hearn, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Lawrence, Lee, Legg, Martin, Massey, Nettles, Patton, Pearson, Purifoy, Ralls, Register, Reynolds, Riley, Sanders of Lamar, Sharpe, Sheid, Steele, Taylor of Lauderdale, Thompson, Walker, Williams, Wood, Woolf—49.

The vote was next taken on the second amendment, and refused to concur.

Yeas 16, nays 53.

Yeas—Messrs. Speaker, Ash, Brooks, Campbell, Foster of Barbour, Hand, Kennedy, Lawson, Patton, Pitts, Taylor of Choctaw, Thompson, Willett, Williams, Wood, Woolf—16.

Nays—Messrs. Akers of Jefferson, Akers of Marion, Alex-

ander, Armstrong, Ash, Barnett, Betts, Boger, Boykin, Caldwell, Cooper, Culver, Curtis, Critcher, Crutcher, Dark, Davis, Davidson, Evans, Fonville, Foshee, Fuller, Gilbert, Griggs, Haigler, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Kirkpatrick, Lawrence, Lee, Legg, Lowther, Martin, Massey, Nicholson, Pearson, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Taylor of Lauderdale—53.

Mr. Lawrence, from the committee of conference, made a report on the bill,

H. B. 86.

On motion of Mr. Bowdon,

The report and bill were recommitted to the committee.

On motion of Mr. Boykin,

A committee of conference was raised on the bill—

H. B. 683. To make appropriations for the fiscal years ending September 30, 1879, and September 30, 1880.

Committee—Messrs. Boykin, Lawson and Lawrence.

#### JUDICIARY.

Mr. Woolf, from the judiciary committee, reported favorably, with amendment, to the Senate bill—

s. 363. To expedite the publication of the supreme court reports.

Amend section 1, line 14, by striking out the words "assistant to the reporter," and inserting in lieu thereof, the words "additional or assistant reporters."

Adopted.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 69, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Alexander, Ash, Barnett, Betts, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Cochrane, Cooper, Dark, Davis, Davidson, Fonville, Foshee, Foster of Barbour, Fuller, Gilbert, Griggs, Hand, Hearn, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Molett, Nettles, Nicholson, Patton, Pearsou, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—69.

Mr. Akers of Jefferson voted nay.

Also, from same committee, reported favorably, with amendment, to the Senate bill—

s. 158. To amend sections 4465, 4475 and 4481 of the Code, regulating hard labor for the county.

Amend by striking out the following words at the end of section 2 :

“And if such superintendent or guard shall violate the said oath in any particular, he shall be guilty of perjury.”

The amendment was adopted.

Mr. Betts offered an amendment giving county convicts benefit of good behavior.

Adopted.

The bill was then ordered to a third reading forthwith, read the third time, and passed—yeas 66, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Barnett, Billingslea, Boger, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Clark of Mobile, Critcher, Dark, Davidson, Dawson, Fonville, Foshee, Foster of Barbour, Fuller, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Jack, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Martin, Massey, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Sanders of Lamar, Sharpe, Sheid, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—66.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
February 13, 1879.

*Mr. Speaker :*

The Senate refuses to concur in the report of the committee of conference on the bill—

H. B. 564. To fix the rate of taxation ;

And asks for another committee of conference.

Committee on part of the Senate :

Messrs. Troy, Clarke and Buell.

W. L. CLAY,  
Secretary.

On motion of Mr. Smith of Mobile, the House acceded to the request to raise another committee of conference.

Committee on part of House :

Smith of Mobile, Ralls and Betts.

Mr. Lawrence submitted the following report :

The committee of conference appointed on House bill No. 86 agree to recede from Senate amendment, by way of substitute, and ask that the counties of Butler, Conecuh, Randolph and Etowah be stricken from the bill, and the county of Clay be added ; and recommend its passage.

JOHN LAWRENCE,

GUSTAVUS LEGG,

M. T. AKERS,

Committee on part of House.

W. A. MUSGROVE,

J. L. CUNNINGHAM,

B. RANDOLPH,

Committee on part of Senate.

The House concurred in the report—yeas 60, nays 0.

Yeas--Messrs. Speaker, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Brooks, Caldwell, Campbell, Cochrane, Cooper, Clark of Mobile, Dark, Davis, Davidson, Dolive, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Massey, Molett, Nettles, Nicholson, Pattou, Pearson, Pitts, Purifoy, Ralls, Ramsey, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Taylor of Choctaw, Thompson, Walker, Waller, Williams, Wood, Woolf—60.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,

Feb. 13, 1879.

*Mr. Speaker :*

The Senate agrees to a committee of conference on the bill—

H. B. 683. To make appropriations for the fiscal years ending September 30, 1879, and September 30, 1880.

Committee on part of the Senate :

Messrs. Rather, Chambers and Wilson.

W. L. CLAY, Secretary.

The House concurred in the amendment of the Senate to the bill—

H. B. 750. To amend section 1317 of the Code of Alabama. Yeas 61, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Ash, Barnett, Billingslea, Boger, Brooks, Caldwell, Cochrane, Cooper, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Kennedy, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Nettles, Nicholson, Patton, Pearson, Purifoy, Register, Riley, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Williams, Wood, Woolf—61.

#### ENROLLED BILLS, SIGNED.

Mr. Fletcher, from the committee on enrolled bills, reported as correctly enrolled the following bills, and the speaker, in the presence of the House, immediately after their titles had been publicly read, signed said bills:

H. B. 866. To change the name of Geneva county to Gordon county.

H. B. 673. To ratify and confirm the appointment of P. N. Hickman by the commissioners' court of Butler county to the office of coroner.

H. B. 750. To amend section 1317 of the Code of Alabama.

H. B. 555. For the relief of David A. Moniac, tax collector of Baldwin county.

Mr. Woolf, from the judiciary committee, reported favorably to the Senate bill—

s. 264. To amend section 153 of the Code.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 59, nays 7.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Ash, Barnett, Billingslea, Bowdon, Brooks, Caldwell, Cochrane, Cooper, Curtis, Crutcher, Dark, Davis, Davidson, Dawson, English, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hughes, Huey, Hutto, Jack, Jolley, Kirkpatrick, Lee, Legg, Lowther, Lyons, Massey, Molett, Muldon, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Register, Riley, Rushing, Sanders of Lamar, Sheid, Smith of Autauga, Smith of Lowndes, Stribling, Taylor of Choctaw, Walker, Williams, Wood, Woolf 59.



Nays—Messrs. Gilbert, Boger, Hearn, Sharpe, Steele, Taylor of Lauderdale, Thompson—7.

Also, from same committee, reported favorably to the Senate bill—

s. 246. To authorize administrators and executors of insolvent estates to sell the lands of said estates for payment of debts, without taking testimony, after said estates have been declared insolvent by the courts of this State.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 70, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Billingslea, Boger, Bradford, Campbell, Cochrane, Cooper, Curtis, Crutcher, Dark, Davis, Davidson, Dawson, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kirkpatrick, Legg, Lowther, Lyons, Massey, Molett, Muldon, Mellwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Williams, Wood, Woolf—70.

Also, from same committee, reported favorably to the Senate bill—

s. 197. To provide for the more speedy administration of justices on application for *mandamus*, prohibition, *certiorari* and other remedial writs of a supervisory nature.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 68, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Billingslea, Boger, Bowdon, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Mobile, Crutcher, Dark, Davis, Davidson, English, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kirkpatrick, Lowther, Lyons, Massey, Muldon, Mellwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Mobile, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Wood, Woolf—68.

Also, from same committee, reported favorably to the Senate bill—

s. 193. To define the lien of the transferee of the vendor of land.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 67, nays 2.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Billingslea, Bowdon, Boykin, Bradford, Caldwell, Campbell, Cochrane, Cooper, Curtis, Crutcher, Dark, Davis, Dawson, Evans, Foshee, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kirkpatrick, Lee, Legg, Lowther, Lyons, Martin, Molett, Muldon, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Stribling, Taylor of Lauderdale, Thompson, Willett, Wood, Woolf—67.

Nays—Messrs. Clark of Lawrence and Clark of Mobile—2.

Also, from the same committee, reported favorably to the Senate bill—

s. 271. To amend section 4207 of the Code of Alabama.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 58, nays 12.

Yeas—Messrs. Speaker, Armstrong, Ash, Barnett, Betts, Billingslea, Boger, Bowdon, Boykin, Bradford, Caldwell, Cochrane, Cooper, Clark of Mobile, Crutcher, Dark, Davis, Dawson, Dolive, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Heacock, Huey, Hutto, Jolley, Kirkpatrick, Lawson, Legg, Lyons, Muldon, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sheid, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Waller, Wood, Woolf—58.

Nays—Messrs. Akers of Marion, Campbell, Curtis, Evans, Hearn, Hughes, Jack, Lawrence, Lee, Lowther, McIlwain, Ralls, Sharpe and Walker—12.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,

February 13, 1879.

*Mr. Speaker:*

The Senate has passed the following bill:

H. B. 555. For the relief of David A. Moniac, tax collector of Baldwin county.

W. L. CLAY, Secretary.

Mr. Woolf, from the judiciary committee, reported favorably to the Senate bill—

s. 30. To amend section 775 of the Code.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 71, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Boger, Bowdon, Bradford, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Fonville, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Jack, James, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Lyons, Massey, Molett, Muldon, McIlwain, Nettles, Patton, Pearson, Purifoy, Ralls, Register, Reynolds, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Wood, Woolf—71.

Mr. Woolf, from same committee, reported favorably to the Senate bill—

s. 266. To authorize the governor to purchase two hundred copies of Clarke's Manual of the Law of Crimes and Criminal Practice in Alabama.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 42, nays 25.

Yeas—Messrs. Speaker, Armstrong, Ash, Bailey, Barnett, Betts, Bowdon, Brooks, Caldwell, Campbell, Cochrane, Cooper, Crutcher, Dark, Davis, Dolive, English, Foster of Barbour, Foster of Macon, Fletcher, Haigler, Jack, James, Jolley, Lawson, Lowther, Lyons, Martin, Molett, Muldon, Nettles, Nicholson, Riley, Rushing, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Stribling, Taylor of Choctaw, Walker, Waller, Willett, Woolf—42.

Nays—Messrs. Akers of Jefferson, Alexander, Billingslea, Boger, Curtis, Dark, Dawson, Foshee, Fuller, Griggs, Hearn, Hughes, Huey, Massey, McIlwain, Patton, Pearson, Purifoy, Ralls, Reynolds, Sanders of Lamar, Steele, Taylor of Lauderdale, Thompson and Wood—25.

Mr. Boykin, from the committee of conference, submitted the following report :

*Mr. Speaker :*

The committee on conference on H. B. 683, having considered the matters of difference between the two houses, which were referred to them, recommend that the Senate recede from its amendment to the seventh paragraph of the bill, and

that the following be adopted as a substitute for paragraph 22 :

22. For compensation of two watchmen in the State capitol eighteen hundred dollars, and two servants in the executive offices six hundred dollars—twenty-four hundred dollars for each year—in all forty-eight hundred dollars ; and that the House concur in the Senate amendment striking out paragraphs 36 and 37 of the bill.

JOHN D. RATHER,

I. A. WILSON,

WM. H. CHAMBERS,

Committee on part of Senate.

F. BOYKIN, JR.,

W. H. LAWSON,

JOHN LAWRENCE,

Committee on part of House.

The report was concurred in—yeas 71, nays 2.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Billingslea, Boger, Bowdon, Boykin, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Mobile, Dark, Davis, Davidson, Dolive, English, Evans, Fonville, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Haigler, Hand, Hearn, Heacock, Hughes, Jack, James, Lawrence, Lawson, Lowther, Lyons, Martin, Massey, Molett, Muldon, McIlwain, Nettles, Patton, Pitts, Purifoy, Ralls, Register, Reynolds, Riley, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf—71.

Nays—Messrs. Dawson and Foshee.

Mr. Betts submitted the following report :

*Mr. Speaker :*

The committee of conference appointed to take into consideration the matters in difference between the two houses relating to H. B. 564, fixing the rate of taxation in this State, have agreed that said bill be amended so as to read as follows :

Strike out all of said bill after the enacting clause and insert :

Sec. 1. That upon all property liable to taxation in this State there shall be assessed and collected a tax of seven-tenths of one per cent. for the year beginning January 1st,

1879, and six and one half tenths of one per cent. for the year beginning January 1st, 1880.

Sec. 2. That all laws and parts of laws in conflict with this act, be and are hereby repealed.

D. S. TROY,  
W. E. CLARKE,  
D. BUELL,

Committee on part of Senate.

E. C. BETTS,  
J. LITTLE SMITH,  
JOHN P. RALLS,

Committee on part of House.

The report was concurred in—yeas 69, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Bradford, Brooks, Caldwell, Cochrane, Cooper, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Fonville, Foshee, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Hutto, James, Lawrence, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McIlwain, Nettles, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Williams, Wood, Woolf—69.

Mr. Campbell voted nay.

Mr. Woolf, from the judiciary committee, reported favorably, with amendment, to the Senate bill—

s. 55. To amend sections 2350 of the Code of Alabama.

Amend section 5 by adding after word "law" and before "shall" the following: And which shall be duly recorded in said office.

The amendment was adopted,

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 65, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Brooks, Caldwell, Campbell, Cochrane, Cooper, Curtis, Crutcher, Dark, Davis, Davidson, Dawson, English, Fonville, Foshee, Foster of Barbour, Fuller, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Huey, Hutto, Jack, James, Lawrence, Lawson, Legg, Lowther, Lyons, Massey, Molett, Muldon, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Rushing, Sharpe, Sheid,

Smith of Lowndes, Smith of Mobile, Stribling, Thompson, Walker, Waller, Williams, Wood, Woolf—65.

Also, reported favorably to the Senate bill—

s. 207. To authorize the governor, by and with the advice and consent of the Senate, to appoint the judge of the city court of Montgomery.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 61, nays 4.

Yeas—Messrs. Speaker, Akers of Jefferson, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Bradford, Caldwell, Cooper, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Fonville, Foshee, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Hutto, James, Kennedy, Lawrence, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McIlwain, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Reynolds, Rushing, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Thompson, Walker, Waller, Willet, Williams, Wood, Woolf—61.

Nays—Messrs. Roger, Curtis, English and Steele—4.

Also, favorably, with amendment, to the Senate bill—

s. 139. For the better protection of passengers in railroad cars in this State.

Amend as follows :

Strike out "unlawfully, voluntarily," and insert "wantonly."

Amend by additional section as section 2.

The amendments were adopted, .

And the bill ordered to a third reading forthwith, read the third time and passed—yeas 65, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Barnett, Betts, Roger, Bradford, Caldwell, Campbell, Cooper, Crutcher, Dark, Davis, Davidson, Dawson, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Jack, James, Kennedy, Lawrence, Lee, Lowther, Massey, Muldon, McIlwain, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Register, Reynolds, Rushing, Saunders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Woolf—65.

Also, reported a substitute for the bill—

s. 285. To authorize the governor, auditor and attorney general, to compromise certain debts due the State.

The substitute was adopted and the bill ordered to a third

reading forthwith, read the third time, and passed—yeas 75, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Boykin, Bradford, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, English, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Kennedy, Lawrence, Lee, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McIlwain, Nettles, Nicholson, Patton, Pitts, Purifoy, Ralls, Reynolds, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—75.

Mr. Taylor of Lauderdale voted nay.

Also, reported favorably to the Senate bill—

s. 312. To require railroad companies to give notice to consignees of the arrival of freight in certain cases.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 67, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Boykin, Caldwell, Campbell, Cooper, Curtis, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Heacock, Hughes, Huey, Hutto, Jack, James, Lawrence, Lee, Legg, Lowther, Martin, Massey, McIlwain, Nettles, Nicholson, Patton, Pitts, Purifoy, Ralls, Reynolds, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—67.

Also, from same committee, reported favorably to the Senate bill—

s. 218. To amend section 3949 of the Code.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 63, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Boykin, Caldwell, Campbell, Cooper, Curtis, Crutcher, Dark, Davis, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Gilbert, Griggs, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Kennedy, Lawrence, Lowther, Martin, Massey, McIlwain, Nettles, Nicholson, Pat-

ton, Pitts, Parifoy, Ralls, Reynolds, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Williams, Wood, Woolf—63.

MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
February 13, 1879.

*Mr. Speaker:*

The Senate has concurred in the report of the committee of conference on H. B. 86.

W. L. CLAY, Secretary.

Mr. Woolf, from the judiciary committee, reported favorably to the Senate bill—

s. 359. To amend section 3696 of the Code.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 63, nays 1.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Betts, Billingslea, Boger, Boykin, Caldwell, Campbell, Cooper, Dark, Davis, Davidson, Dawson, Dolive, Evans, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Kennedy, Lawrence, Massey, McIlwain, Nettles, Nicholson, Patton, Pitts, Parifoy, Ralls, Reynolds, Sanders of Lamar, Sharpe, Sheid, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—63.

Mr. Clark of Mobile voted nay.

Also, reported favorably, with amendment, to the Senate bill—

s. 104. To amend section 2349 of the Code.

Amend by striking out "forty days," and inserting "three months."

The amendment was adopted and the bill ordered to a third reading forthwith, read the third time and passed—yeas 55, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Betts, Billingslea, Boger, Boykin, Bradford, Caldwell, Campbell, Cochrane, Clark of Mobile, Dark, Davis, Dawson, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Ken-



nedey, Kirkpatrick, Lawson, Lee, Legg, Martin, Muldon, McIlwain, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Reynolds, Rushing, Sanders of Lamar, Sheid, Smith of Autauga, Smith of Mobile, Stribling, Thompson, Walker, Willett, Williams, Wood, Woolf—55.

Also, reported favorably to the Senate bill—  
s. 148. To amend section 629 of the Code.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 63, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Betts, Billingslea, Boger, Bradford, Brooks, Caldwell, Campbell, Cochrane, Curtis, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Foster of Barbour, Fletcher, Gilbert, Haigler, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Kennedy, Kirkpatrick, Lawson, Lee, Lowther, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Reynolds, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf—63.

Also, favorably to the Senate bill—

s. 219. To exempt a growing crop from levy under legal process, except for the enforcement of liens thereon.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 60, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Betts, Billingslea, Bradford, Caldwell, Campbell, Cooper, Clark of Lawrence, Crutcher, Dark, Davis, Davidson, Dawson, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hearn, Heacock, Hues, Huey, Hutto, Jack, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Mollett, Muldon, Nettles, Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Rushing, Sanders of Lamar, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Waller, Woolf—60.

Also, from same committee, reported favorably to the Senate bill—

s. 358. To amend section 4700 of the Code of Alabama.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 64, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Betts, Billingslea, Boykin, Bradford, Caldwell, Campbell, Cooper, Clark of Mobile,

Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Kennedy, Kirkpatrick, Lawrence, Lawson, Lowther, Lyons, Mollett, Nettles, Nicholson, Patton, Pitts, Purifoy, Ralls, Reynolds, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Woolf—64.

MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
February 13, 1879.

*Mr. Speaker :*

The Senate has concurred in the reports of the committee of conference on the bills—

H. B. 564. To fix the rate of taxation in this State ;

H. B. 683. To make appropriations for the fiscal years ending September 30, 1879, and September 30, 1880.

And has concurred in House amendments to the bills—

s. 55. To amend section 2350 of the Code of Alabama ;

s. 139. For the better protection of passengers in railroad cars in this State.

W. L. CLAY,  
Secretary.

Mr. Woolf, from the judiciary committee, reported favorably to the Senate bill—

s. 244. To amend section 5064 of the Code.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 64, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Betts, Billingslea, Boger, Boykin, Bradford, Caldwell, Cooper, Culver, Curtis, Clark of M., Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Fonville, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hearn, Hughes, Huey, Hutto, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lowther, Lyons, Massey, Molett, McIlwain, Nicholson, Pitts, Purifoy, Ralls, Reynolds, Rushing, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf—64.

Also, favorably to the Senate bill—

s. 181. To punish the bringing of goods obtained by false pretense into this State.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 62, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Armstrong, Ash, Bailey, Betts, Billingslea, Boger, Boykin, Brooks, Caldwell, Campbell, Cooper, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Hand, Heacock, Hughes, Huey, Jack, Kennedy, Kirkpatrick, Lawrence, Lowther, Lyons, Massey, McIlwain, Nettles, Nicholson, Pearson, Pitts, Purifoy, Ralls, Reynolds, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of L., Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf—62.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
February 13, 1879.

*Mr. Speaker:*

The Senate has concurred in House amendments to the bill—

s. 285. To authorize the governor, auditor and attorney-general to compromise certain debts due the State.

s. 104. To amend section 349 of the Code.

And has passed the House bill—

H. B. 199. To change the times of holding the circuit courts in the counties of Winston, Marion, Walker and Fayette.

W. L. CLAY,  
Secretary of Senate.

Mr. Taylor of Lauderdale, from the committee on local legislation, reported favorably to the Senate bill—

s. 335. To confer jurisdiction upon the probate judge of Perry county concurrent with the circuit court, with authority to hold court at Uniontown, Ala.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 60, nays 4.

Yeas—Messrs. Speaker, Akers of Jefferson, Ash, Billingslea, Boger, Bowdon, Bradford, Caldwell, Campbell, Cochrane, Cooper, Dark, Davis, Davidson, Dawson, Dolive, Fuller, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Kennedy, Kirkpatrick, Lawrence, Lawson, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, McIlwain,

Nicholson, Patton, Pearson, Pitts, Purifoy, Ralls, Reynolds, Riley, Rushing, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf—60.

Nays—Messrs. Akers of Marion, Crutcher, Fletcher and Lee—4.

By leave, Mr. Bowdon offered—

H. B. 868. A joint memorial to the Congress of the United States in relation to the colored agricultural and mechanical college at Talladega;

Which was read and adopted, and ordered to be sent forthwith to the Senate.

Mr. Woolf, from the judiciary committee, reported favorably to the Senate bill—

s. 243. To amend sections 2463 and 2467 of the Code, in relation to sales of land under order of the probate court.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 57, nay 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Betts, Billingslea, Boger, Bradford, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Foshee, Foster of Barbour, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Hutto, James, Kennedy, Kirkpatrick, Legg, Lowther, Lyons, Martin, Molett, Muldon, McIlwain, Nettles, Nicholson, Patton, Pearson, Purifoy, Ralls, Reynolds, Riley, Rushing, Sharpe, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Walker, Williams, Woolf—57.

Also, from same committee, reported favorably to the Senate bill—

s. 157. To amend sections 862, 863 and 864 of the Code.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 51, nays 2.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Betts, Boger, Bradford, Brooks, Caldwell, Campbell, Cochrane, Cooper, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dolive, Foshee, Foster of Barbour, Foster of Macon, Fuller, Fletcher, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, James, Kennedy, Kirkpatrick, Lawrence, Lyons, Martin, Muldon, McIlwain, Nicholson, Pearson, Purifoy, Reynolds, Riley, Rushing, Sharpe, Sheid, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Waller, Williams, Woolf—51.

Nays—Messrs. Legg and Patton—2.

Also, favorably, with amendment, to the Senate bill—  
s. 319. To amend sections 2735 and 2737 of the Code.

Amend section 1, line 5, by adding after word "or" and before word "vacation" the words, "the chancellors in."

The amendment was adopted,

And the bill was ordered to a third reading forthwith, read the third time and passed—yeas 52, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Ash, Boger, Bradford, Caldwell, Campbell, Cochrane, Cooper, Curtis, Clark of Mobile, Dark, Davis, Dawson, Dolive, Foshee, Foster of Barbour, Fuller, Fletcher, Gilbert, Griggs, Haigler, Hand, Hearn, Heacock, Hughes, Huey, James, Kennedy, Lawrence, Lee, Legg, Lowther, Lyons, Martin, Molett, McDougald, Patton, Pearson, Purifoy, Ralls, Rushing, Sheid, Smith of Lowndes, Smith of Mobile, Stribling, Thompson, Walker, Waller, Willett, Williams, Woolf—52.

#### SIGNING BILLS.

Mr. Fletcher, from the committee on enrolled bills, reported as correctly enrolled the following bills, and the Speaker, in the presence of the House, immediately after the titles had been publicly read, signed said bills:

H. B. 476. To authorize the mayor and councilmen of the town of Athens, Alabama, to assess and collect a special tax to build a school house, etc.

H. B. 823. To establish a new charter for the city of Birmingham.

H. B. 86. To regulate the number of persons drawn to serve as grand and petit jurors for the counties of Fayette, Lamar, Washington, Cherokee, Marion, St. Clair, Monroe, Calhoun, Franklin, Colbert, Chilton, Cleburne, Randolph, Escambia, Coffee, Baldwin, Pike, Talladega, Blount, Crenshaw, Clay, Cullman and Lawrence.

H. B. 551. For the preservation of game animals and birds in the counties of Mobile, Monroe, Marengo, Baldwin, Dallas, Lowndes, Hale, Montgomery, Clarke, Greene, Wilcox, Pike, Talladega, Tuscaloosa, Pickens, Bibb, Autauga, Chilton, Clay and Jefferson.

On motion of Mr. Martin, the House took a recess until  
4 P. M.

## AFTERNOON SESSION.

At 4 P. M. the House re-assembled.

Mr. Woolf, from the judiciary committee, reported favorably to the Senate bill—

s. 320. To amend section 2809 of the Code.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 53, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Barnett, Betts, Boger, Campbell, Curtis, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Foshee, Foster of Barbour, Foster of Macon, Griggs, Hearn, Heacock, Jack, James, Jolley, Kennedy, Lawrence, Lawson, Legg, Lowther, Massey, Muldon, Nettles, Patton, Ralls, Riley, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—53.

Also, from same committee, reported favorably to the Senate bill—

s. 100. In relation to guardians and their bonds.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 55, nays 0.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Betts, Bowdon, Campbell, Culver, Curtis, Clark of Mobile, Critcher, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Foshee, Foster of Barbour, Foster of Macon, Haigler, Hearn, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Lawson, Muldon, Nettles, Patton, Pitts, Purifoy, Ralls, Riley, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Thompson, Walker, Waller, Willett, Williams, Wood, Woolf—55.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
February 13, 1879.

*Mr. Speaker:*

The Senate has amended as therein shown and passed the House bill—

H. B. 421. To amend section 1 of an act to form the new county of Cullman out of portions of Blount, Winston and Morgan, and to provide for the organization of said county, approved January 24, 1877.

And has adopted House—

H. B. 868. Joint resolution and memorial to Congress in reference to colored agricultural and mechanical college at Talladega.

And has passed House bills—

H. B. 11. To repeal sections 718 to 724, inclusive, of the Code of Alabama, and also to repeal sections 470: to 4731, inclusive, of the Code of Alabama, so far as the said sections relate to the county of Perry.

H. B. 596. To refund excess of licenses paid.

And has concurred in House amendment to the Senate bill—

s. 319. To amend sections 2735 and 2737 of the Code.

#### SIGNING SENATE BILLS.

And—

The President of the Senate having signed the following bills, your signature is requested :

s. 333. To regulate the employment of the militia and volunteer forces of Alabama in the enforcement of the laws thereof.

s. 350. To amend section 4546 of the Code.

s. 133. To prevent the sale, &c., of spirituous, vinous or malt liquors within two (2) miles of Hilliard's Cross Roads in Pike county.

s. 325. To appoint commissioners to permanently locate the county site of Geneva county.

s. 236. To repeal an act entitling the judge of the probate court of Clarke county to charge and receive thirty per cent. increase on the fees of his office, and five dollars for each minor apprenticed.

s. 326. To prevent illegal impounding of animals running at large.

s. 322½. To define the boundary line between Geneva county and the counties of Henry, Dale and Coffee.

s. 340. To fix the times and places of holding chancery courts in the southern chancery division.

s. 368. Memorial of the General Assembly of Alabama to the Congress of the United States relative to the permanent improvement of the Tennessee and Coosa rivers, and the construction of a canal between them.

s. 329. To provide a fund for the payment of witnesses for the State in the circuit court of Dallas county, and in the city court of Selma, and to prescribe their compensation.

- s. 68. To prescribe the venue of suits against corporations.
- s. 262. To amend section 153 of the Code of Alabama.
- s. 348. To enable the corporate authorities of the town of Leighton, in the counties of Colbert and Lawrence, to more effectually secure the performance of work on the streets, alleys and drains of said town.
- s. 316. To require apportioners and overseers of public roads in the counties of Fayette, Lamar, Marion and Cherokee to do road service after the expiration of their terms of service as such apportioners and overseers.
- s. 328. For the relief of Walker county.
- s. 272. To authorize the judge of probate and court of county commissioners of Hale county, Alabama, to adjust, compromise and settle the bonded indebtedness of said county.
- s. 252. To provide for repairing and refurnishing the capitol of the State.
- s. 190. To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, or intoxicating bitters, or intoxicating beverage, within two miles of the Centenary Institute, located at Summerfield, Dallas county.
- s. 327. To authorize the mayor and councilmen of the town of Greensboro in the county of Hale, Alabama, to adjust, compromise and settle the bonded indebtedness of said town.
- s. 28. To amend section 5025 of the Code of Alabama.
- s. 317. To regulate the hire of convicts sentenced to the penitentiary.
- s. 362. To fix the times of holding the circuit courts in the second judicial circuit.
- s. 156. To amend an act to fix the time of holding the circuit courts of the twelfth judicial circuit of Alabama, approved December 14, 1876.
- s. 239. To require the registration of certain claims against the county of Monroe.
- s. 266. To authorize the Governor to purchase two hundred copies of Clarke's Manual of the Law of Crimes and Criminal Practice in Alabama.
- s. 191. For relief of Miss H. M. Turner, of the county of Lawrence.
- s. 258. To make the provisions of section 3606 of the Code of Alabama applicable to Blount and Lauderdale counties.
- s. 274. To amend section 1633 of the Code of Alabama.



s. 292. For the relief of Calvin F. Carson, sheriff of Lauderdale county.

s. 106. To regulate legal advertising in the county of Henry.

s. 355. For the relief of P. Sanguinetti.

s. 209. To refund to the Methodist Protestant church of the city of Montgomery, taxes illegally assessed and paid on church property.

W. L. CLAY,  
Secretary of Senate.

And the Speaker, in the presence of the House, immediately after the titles had been publicly read, signed said bills.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
Feb. 13, 1879.

*Mr. Speaker:*

The Senate has passed House bill—

H. B. 780. To amend section 286 of the Code of Alabama.

W. L. CLAY,  
Secretary.

On motion of Mr. Muldon, the House extended the time for the consideration of legislative business until 7 p. m.

#### MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,  
Montgomery, Ala., Feb. 13, 1879.

*Mr. Speaker:*

The Governor has approved the following bills, which originated in the House:

H. B. 476. To authorize the mayor and councilmen of the town of Athens to assess and collect a special tax to build a school-house, &c.

H. B. 152. For the relief of C. E. Thames & Co.

H. B. 418. For the relief of J. K. McBride, tax collector of Lawrence county.

H. B. 253. For the relief of Robert Parker, late coroner for the county of Montgomery.

H. B. 714. To amend the first subdivision of paragraph 3 of section 494 of the Code.

H. B. 823. To establish a new charter for the city of Birmingham.

H. B. 673. To ratify and confirm the appointment of P. N. Hickman, by the commissioners' court of Butler county, to the office of coroner.

H. B. 866. To change the name of Geneva county to Gordon county.

H. B. 162. To amend section 4196 of the Code.

H. B. 288. To provide for appeals from convictions by municipal officers.

H. B. 101. To require mortgagees to enter on margin of the record, at the request of any *bona fide* creditor, the amount received by them.

H. B. 852. To regulate the time of holding the circuit courts of the 5th judicial circuit of Alabama.

H. B. 484. To regulate and increase the jurisdiction of the probate courts of this State.

H. B. 750. To amend section 1317 of the Code of Alabama.

H. B. 376. To regulate the trial of misdemeanors in the county of Madison.

H. B. 735. To amend section 401 of the Code of Alabama.

H. B. 620. To amend an act to authorize the commissioners court of Russell county to appoint a board of finance and to issue the bonds of said county for the payment of the indebtedness thereof, approved March 17, 1875.

H. B. 658. Relating to land sold for the payment of taxes.

H. B. 294. To provide for the sale of land and other real estate for delinquent taxes, and the redemption thereof.

H. B. 310. Making an appropriation for the benefit of the supreme court library.

H. B. 748. To authorize and require the auditor to draw his warrant on the State treasurer in favor of the county superintendent of education of Washington county for the balance due the school fund of said county, exclusive of poll tax, for the scholastic year ending Sept. 30, 1876.

H. B. 749. To authorize and require the auditor to draw his warrant on the tax collector of Washington county in favor of the county superintendent of education of said county for the balance due the school fund of said county, exclusive of poll tax for the scholastic year ending Sept. 30, 1874, and Sept. 30, 1875.

H. B. 758. To amend section 6 and section 9 of an act entitled an act to amend section four (4), section six (6), section

seven (7), section nine (9), sections twelve and twenty-eight (28) of an act entitled an act to amend the charter of the city of Montgomery, and the various laws heretofore passed amending said charter, approved March 3, 1870.

H. B. 427. For the relief of John P. Timberlake, John F. Anderson and William M. Cowan of Jackson county.

H. B. 715. To authorize the auditor to correct errors in settlements with tax collectors and draw his warrant for amounts found due them.

H. B. 679. To authorize the court of county commissioners for the county of Jefferson, to issue the bonds of said county for an amount not exceeding twenty thousand dollars for certain purposes therein named.

H. B. 555. For the relief of David A. Moniac, tax collector of Baldwin county.

H. B. 785. For the relief of blind soldiers.

H. B. 326. To amend section 399 of the Code of Alabama.

H. B. 169. For the relief of maimed soldiers.

H. B. 86. To regulate the number of persons drawn to serve as grand and petit jurors for the counties of Fayette, Lamar, Washington, Cherokee, Marion, St. Clair, Monroe, Butler, Etowah, Conecuh, Calhoun, Franklin, Colbert, Chilton, Cleburne, Randolph, Escambia, Coffee, Baldwin, Pike, Talladega, Blount, Crenshaw, Cullman and Lawrence.

H. B. 551. For the preservation of game animals and birds, in the counties named.

Very respectfully,

THOS. H. REYNOLDS,  
Recording Secretary.

Mr. Smith of Mobile moved to make the consideration of Senate bill, s. 167, the special order immediately after the committee on ways and means have finished reporting.

Agreed to.

Mr. Betts, from the committee on ways and means, reported favorably, with amendment, to the Senate bill—

s. 331. To provide for the issuance of registered bonds and their exchange for the coupon bonds of this State, authorized by the act approved Feb. 23, 1876.

Amend section 4 by adding thereto :

"Provided the expenses in carrying out the provisions of this act shall not exceed the sum of \$300."

The amendment was adopted,

And the bill ordered to a third reading forthwith, read the third time, and passed—yeas 58, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Betts, Billingslea, Bradford, Campbell, Cochrane, Culver, Curtis, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Foshee, Foster of Macon, Fletcher, Gilbert, Griggs, Haigler, Huey, Hutto, Jack, James, Jolley, Kennedy, Lawrence, Lawson, Lee, Legg, Lowther, Massey, Muldon, Nettles, Patton, Purifoy, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Taylor of Lauderdale, Thompson, Waller, Willett, Williams, Wood, Woolf—58.

Mr. Boger voted nay.

The House concurred in the amendment of the Senate to the bill—

H. B. 421. To amend section 1 of an act to form the new county of Cullman out of portions of Blount, Winston and Morgan, and to provide for the organization of said county, approved Jan. 24, 1877.

Yeas 59, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Betts, Bowdon, Bradford, Brooks, Campbell, Cochrane, Curtis, Crutcher, Dark, Davis, Davidson, Dawson, English, Foshee, Foster of Macon, Fletcher, Gilbert, Griggs, Haigler, Hearn, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Lawrence, Lawson, Lee, Legg, Lowther, Massey, Muldon, Nettles, Patton, Purifoy, Register, Riley, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Lauderdale, Thompson, Waller, Willett, Williams, Wood, Woolf—59.

Mr. Boger voted nay.

Mr. Betts, from the committee on ways and means, reported favorably to the Senate bill—

s. 277. For the relief of George Hughes and his sureties, late tax collector of Winston county.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 58, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Barnett, Betts, Boger, Bradford, Brooks, Campbell, Cochrane, Culver, Crutcher, Dark, Davis, Davidson, Dawson, Foshee, Foster of Barbour, Foster of Macon, Fletcher, Gilbert, Griggs, Hearn, Heacock, Huey, Hutto, Jack, Jolley, Kennedy, Lawrence, Lawson, Lee, Legg, Lowther, Massey, Muldon, Nettles, Patton, Pearson, Purifoy, Ralls, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga,

Smith of Lowndes, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Willett, Williams, Wood, Woolf—58.

The secretary informed the House that the Senate had agreed to extension of time for consideration of legislative business.

Mr. Betts, from committee on ways and means, reported favorably to the Senate bill—

s. 196. For the relief of Sidney Kirkland, late tax collector of Henry county.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 60, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Ma-  
Armstrong, Ash, Barnett, Betts, Billingslea, Boger, Bowdon,  
Bradford, Campbell, Cochrane, Culver, Curtis, Clark of Mo-  
bile, Crutcher, Dark, Davis, Davidson, Dawson, English,  
Foster of Barbour, Foster of Macon, Fletcher, Griggs, Haig-  
ler, Heacock, Huey, Jack, Jolley, Kennedy, Lawson, Legg,  
Lowther, Martin, Massey, Muldon, Nettles, Patton, Pearson,  
Purifoy, Ralls, Sanders of Lamar, Sharpe, Sheid, Smith of  
Antauga, Smith of Lowndes, Smith of Mobile, Steele, Strib-  
ling, Taylor of Lauderdale, Thompson, Walker, Waller, Wil-  
lett, Williams, Wood, Woolf—60.

Also, favorably to the Senate bill—

s. 175. To require the tax collectors of any special tax in  
any city or town, except for current expenses, to give sepa-  
rate bonds as collectors of such special tax.

Mr. Fletcher moved to exempt the city of Huntsville from  
the operation of the act.

Adopted.

Mr. Davis moved to amend by exempting the town of  
Athens.

Adopted.

The bill was then ordered to a third reading forthwith, read  
the third time and passed—yeas 60, nays 1.

Yeas—Messrs. Speaker, Akers of Marion, Alexander, Arm-  
strong, Ash, Barnett, Betts, Bowdon, Bradford, Campbell,  
Culver, Curtis, Clark of Mobile, Crutcher, Dark, Davis, Da-  
vidson, Dawson, Dolive, Foshee, Foster of Barbour, Foster  
of Macon, Fletcher, Gilbert, Griggs, Haigler, Hearn, Hea-  
cock, Hughes, Huey, Hutto, James, Jolley, Kennedy, Law-  
rence, Lawson, Lowther, Martin, Massey, Nettles, Patton,  
Pearson, Pitts, Purifoy, Ralls; Sanders of Lamar, Sharpe,  
Sheid, Smith of Antauga, Smith of Lowndes, Smith of Mo-  
bile, Steele, Taylor of Choctaw, Taylor of Lauderdale,  
Thompson, Walker, Waller, Williams, Wood, Woolf—60.

Mr. Boger voted nay.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
February 13, 1879.

*Mr. Speaker:*

The Senate has passed House bills—

H. B. 599. To regulate the handling, storage and sale of cotton in Mobile, and to protect such cotton from depredations.

H. B. 300. To repeal an act to authorize J. W. McBrayer of Coosa county, to sell certain real estate.

H. B. 815. To authorize the people of Henry county, to vote on the question of removing the county seat of said county, and to permanently locate the same.

W. L. CLAY, Secretary.

Mr. Betts, from the same committee reported favorably to the Senate bill—

s. 347. To authorize the court of county commissioners of Bullock county, to employ an attorney in certain cases.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 57, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Betts, Bowdon, Bradford, Campbell, Cochrane, Crutcher, Dark, Davis, Dawson, Dolive, Evans, Foshee, Foster of Barbour, Foster of Macon, Fletcher, Gilbert, Griggs, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Kennedy, Lee, Legg, Lowther, Martin, Massey, Muldon, Nettles, Patton, Pearson, Pitts, Purifoy, Ralls, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Lauderdale, Walker, Waller, Williams, Woolf—57.

Mr. Boger voted nay.

Also, favorably to the Senate bill—

s. 301. For the relief of Messrs. Hirsch Bros. of Uniontown, Alabama, who paid for license through mistake.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 54, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Barnett, Betts, Billingslea, Bowdon, Bradford, Campbell, Culver, Crutcher, Dark, Davis, Dolive, Foshee, Foster of Barbour, Fletcher, Griggs, Haigler, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Jolley, Kennedy, Lawson, Lee, Lowther, Massey, Muldon, Nettles, Patton,

Pearson, Pitts, Purifoy, Ralls, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Choctaw, Walker, Waller, Willett, Williams, Wood, Woolf—54.

Mr. Boger voted nay.

The House then proceeded to the consideration of the Senate bill—

s. 167. To prevent the wrongful cutting or girdling of pine trees, for the purpose of obtaining crude turpentine.

Mr. Stribling moved to amend as follows :

*Provided*, That the provisions of this act shall not apply to Washington county, in this State, except, in so far as it applies to the property of individuals or private owners.

Mr. Jolley moved to lay the amendment on the table.

Carried.

Mr. Muldon called for the previous question.

The main question was ordered to be put.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 41, nays 15.

Yeas—Messrs. Speaker, Akers of Jefferson, Armstrong, Ash, Barnett, Betts, Bradford, Culver, Clark of Mobile, Dark, Davidson, Dawson, Foshee, Fletcher, Griggs, Haigler, Huey, Jolley, Kennedy,\* Kirkpatrick, Lawrence, Lawson, Lowther, Martin, Massey, Muldon, Pitts, Purifoy, Ralls, Rushing, Sanders of Lamar, Sheid, Smith of Lowndes, Smith of Mobile, Taylor of Lauderdale, Thompson, Walker, Waller, Williams, Wood, Woolf—41.

Nays—Messrs. Akers of Marion, Boger, Curtis, Crutcher, Davis, English, Hearn, Jack, Legg, Patton, Pearson, Sharpe, Steele, Stribling, and Willett—15.

Mr. Huey moved to reconsider the vote just taken, and to lay that motion on the table ;

The latter motion was agreed to.

Mr. Foster of Barbour, from the committee on education, reported favorably to the Senate bill—

s. 170. For the relief of E. M. Grummer, of Dale county.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 56, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Bailey, Betts, Boger, Campbell, Cochran, Culver, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Foshee, Foster of Barbour, Fletcher, Griggs, Haigler, Hearn, Heacock, Hughes, Huey, Hutto, Jack, James, Jolley, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Lowther, Massey, Molett, Patton, Pearson, Pitts, Purifoy,

Ralls, Rushing, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Taylor of Lauderdale, Thompson, Waller, Willett, Williams, Wood, Woolf—56.

Mr. Billingslea voted nay.

Mr. Foster of Barbour, from same committee, reported favorably to the Senate bill—

s. 284. To authorize the county superintendent of Lee county to pay a certain debt contracted by the trustees of the public schools of the city of Opelika.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 58, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Armstrong, Ash, Barnett, Betts, Boger, Bowdon, Bradford, Campbell, Cochrane, Culver, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Foshee, Foster of Barbour, Fletcher, Gilbert, Griggs, Haigler, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Massey, Molett, Nettles, Patton, Pearson, Pitts, Purifoy, Ralls, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Mobile, Steele, Taylor of Lauderdale, Thompson, Walker, Willett, Wood, Woolf—58.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,

Feb. 13, 1879.

*Mr. Speaker:*

The Senate has concurred in the House amendment to the bill—

s. 175. To require the collectors of any special tax in any city or town, except for the current expenses, to give separate bonds as collectors of such special tax.

And has passed House bill—

H. B. 72. For the relief of Martin & Clark of Calhoun county.

W. L. CLAY,  
Secretary.

Mr. Foster of Barbour, from same committee, reported favorably to the Senate bill—

s. 345. For the relief of township two, range two, east, Madison county.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 60, nays 0.



Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Armstrong, Ash, Barnett, Billingslea, Bradford, Campbell, Cochrane, Culver, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Evans, Foshee, Foster of Barbour, Fletcher, Gilbert, Griggs, Haigler, Hearn, Heacock, Hughes, Huey, Hutto, Jack, Kennedy, Kirkpatrick, Lawrence, Lawson, Lee, Legg, Lowther, Massey, Molett, Nettles, Patton, Pearson, Pitts, Purifoy, Ralls, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Taylor of Lauderdale, Thompson, Waller, Willett, Wood, Woolf—60.

#### ENROLLED BILLS SIGNED.

Mr. Fletcher, from the committee on enrolled bills, reported the following bills as correctly enrolled :

And the speaker, in the presence of the House, immediately after their titles had been publicly read, signed said bills:

H. B. 11. To repeal sections 718 to 724, inclusive, of the Code of Alabama, and also to repeal sections 4702 to 4731, inclusive, of the Code of Alabama, so far as the said sections relate to the county of Perry.

H. B. 596. To refund excess of licenses paid.

H. B. 300. To repeal an act to authorize J. W. McBrayer of Coosa county to sell certain real estate ;

H. B. 780. To amend section 286 of the Code of Alabama ;

H. B. 421. To amend section 1 of an act to form the new county of Cullman out of portions of Blount, Winston and Morgan, and to provide for the organization of said county, approved January 24, 1877.

H. B. 868. Joint resolution and memorial to Congress in reference to colored agricultural and mechanical college at Talladega.

H. B. 72. For relief of Martin & Clark of Calhoun county ;

H. B. 683. To make appropriations for the fiscal years ending September 30, 1879, and September 30, 1880 ;

H. B. 564. To fix the rate of taxation in this State ;

H. B. 199. To change the times of holding the circuit courts in the counties of Winston, Marion, Walker and Fayette.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
February 13, 1879.

*Mr. Speaker:*

The Senate has concurred in the House amendments to the bill—

s. 331. To provide for the issuance of registered bonds and their exchange for the coupon bonds of this State, authorized by the act approved February 23, 1876.

And has passed House bill—

H. B. 848½. To repeal an act to repeal an act to repeal section 4031 (482) of the Revised Code, in so far as the same applies to the county of Covington, and to re-enact said original section 4031 (482).

W. L. CLAY,  
Secretary.

Mr. Foster of Barbour, from same committee, reported favorably, with amendment, to the Senate bill—

s. 259. To establish a separate school district, to be known as New Market District, in Madison county.

Amend by striking out sections 3, 4 and 5.

Adopted.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 63, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Boykin, Campbell, Cochrane, Culver Curtis, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dolive, English, Evans, Foshee, Foster of Barbour, Fletcher, Gilbert, Griggs, Haigler, Hearn, Heacock, Huey, Jack, Jolley, Kennedy, Kirkpatrick, Lawson, Legg, Lowther, Lyons, Massey, Nettles, Patton, Pearson, Pitts, Purifoy, Ralls, Reynolds, Rushing, Sanders of Lamar, Saunders of Madison, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Stribling, Taylor of Lauderdale, Thompson, Waller, Willett, Wood, Woolf—63.

## SIGNING SENATE BILLS.

SENATE CHAMBER,  
February 13, 1879.

*Mr. Speaker:*

The President of the Senate having signed the following bills, your signature is requested:

s. 213. To amend sections 2 and 16 of an act, approved April 15, 1873, to establish a new charter for the town of Florence.

s. 193. To define the lien of the transferee of the vendor of land.

s. 285. To authorize the governor, auditor and attorney-general to compromise certain debts due the State.

s. 246. To authorize administrators and executors of insolvent estates to sell the lands of said estates for payment of debts without taking testimony after said estates have been declared insolvent by the courts of this State.

s. 181. To punish the bringing of goods obtained by false pretenses into this State.

s. 363. To expedite the publication of the supreme court reports.

s. 358. To amend section 4700 of the Code of Alabama.

s. 197. To provide for the more speedy administration of justice on application for *mandamus*, prohibition, *certiorari* and other remedial writs of a supervisory nature.

s. 207. To authorize the Governor, by and with the advice and consent of the Senate, to appoint the judge of the city court of Montgomery.

s. 335. To confer jurisdiction upon the probate judge of Perry county concurrent with the circuit court, with authority to hold court at Uniontown, Alabama.

s. 55. To amend section 2350 of the Code of Alabama.

s. 379. To fix the time of holding the courts in the seventh judicial circuit.

W. L. CLAY,  
Secretary of Senate.

And the Speaker, in the presence of the House, immediately after their titles had been publicly read, signed said bills.

Mr. Foster of Barbour, from same committee, reported favorably to the Senate bill--

s. 375. To establish the normal school of south east Alabama at Clayton.

On motion of Mr. Huey, the further consideration of the bill was indefinitely postponed.

Mr. Foster of Barbour, from the committee on education, submitted the following report :

#### REPORT OF THE COMMITTEE ON EDUCATION.

The committee to which was referred the memorial of the

Synod of the Presbyterian Church of Alabama, touching the desecration of the Sabbath day, and the means of preventing it, have had the same under consideration, and instruct me to report:

The committee feel a deep interest in the object sought to be accomplished by the memorialists and other religious bodies. By the usage of the people of the United States, and by the express sanction of our statute law, the Christian Sabbath has been set apart as a day of rest and of religious instruction and worship. The moral advantages of this institution, in respect to its influence in shaping and moulding the character of our people, when viewed only as a question of State policy, are inestimable.

The opportunity which this day gives to the great mass of the common people, of studying the bible, with its infinite store of wisdom and its power to impart strength and life to all moral principle, has done more for the protection of civil liberty than the legislation of the Senator, or the armed force of the soldier.

The State has the right to protect the morals of the people and to guard the peace of society. It has a right not only to punish crime, but to remove or prevent those acts which give occasion of crime. By our statute law, it is not lawful to compel minors or servants to labor on Sunday, or to carry on any kinds of secular business on that day.

So it seems to your committee the legislature has the right to provide that freight trains of railroads shall not be run, nor their business be carried on during that day, in order that the employes and laborers may have rest, and that the quiet and peace of others may not be disturbed.

The committee are not agreed to recommend any legislation in reference to running the mail trains on that day, as in their opinion it is not within the jurisdiction of the State legislature.

This memorial was referred to the committee so late in the session that it was not practicable, under the pressure of business already before them, to prepare such a bill as would suit the occasion, and which they could recommend.

They earnestly hope that the subject will be taken up by the next General Assembly and the great object of these memorialists may be accomplished.

Respectfully submitted,

JNO. A. FOSTER,  
Chairman.

The report was received.

Mr. Taylor of Lauderdale, from the committee on local legislation, reported favorably to the Senate bill—

s. 194. To repeal an act to regulate the publication of legal notices in certain counties, approved March 3, 1870, so far as the same relates to the county of DeKalb.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 54, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Barnett, Billingslea, Boger, Campbell, Cochrane, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, English, Foshee, Foster of Barbour, Foster of Macon, Fletcher, Griggs, Haigler, Hearn, Jack, Jolley, Kennedy, Kirkpatrick, Lawson, Lowther, Massey, Muldon, Nettles, Patton, Pearson, Pitts, Puifoy, Ralls, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Wood, Woolf—54.

Mr. Gilbert voted nay.

Mr. Waller, from the committee on corporations, reported favorably to the Senate bill—

s. 161. To enable insurance companies to adopt or abandon the mutual plan of transacting business.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 50, nays 1.

Yeas—Messrs. Speaker, Akers of Marion, Armstrong, Ash, Betts, Billingslea, Boger, Boykin, Campbell, Culver, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Foshee, Fuller, Fletcher, Griggs, Haigler, Hutto, Jack, Jolley, Kennedy, Kirkpatrick, Lee, Lowther, Molett, Muldon, Pitts, Puifoy, Ralls, Register, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Lauderdale, Thompson, Walker, Waller, Williams, Wood, Woolf, Winn—50.

Mr. Stribling voted nay.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
February 13, 1879.

*Mr. Speaker:*

The Senate has passed House bills—

H. B. 238. To amend section 5042 of the Code.

H. B. 841. To authorize John Swan and John A. Billups, trustees and grantees mentioned in the deed executed by the Governor of Alabama, under section 19 of the act, approved Feb. 23, 1876, entitled an act to ratify and confirm the settlement of the existing indebtedness of the State, etc., or the remaining or surviving one of said trustees, or their successor, or successors, to sue for, recover, and receive, damages for any trespass to or upon the lands embraced in said deed, or to or upon any timber on said lands, committed before the execution of said deed.

WM. L. CLAY,  
Secretary.

Mr. Waller, from the committee on corporations, reported favorably to the Senate bill—

s. 235. To repeal an act to incorporate the town of Clanton, in the county of Baker.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 53, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Billingslea, Boger, Boykin, Brooks, Campbell, Curtis, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dolive, Foshee, Fletcher, Gilbert, Griggs, Haigler, Jolley, Kirkpatrick, Lawson, Lee, Lowther, Massey, Molett, Patton, Pearson, Pitts, Purifoy, Ralls, Register, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Willett, Williams, Woolf—53.

Also, from same committee, reported favorably to the Senate bill—

s. 309. To authorize the city council of Greenville to levy and collect certain license taxes therein named, for the use and benefit of the city of Greenville.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 51, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Betts, Billingslea, Boger, Boykin, Brooks, Campbell, Cochrane, Curtis, Clark of Mobile, Crutcher, Davis, Davidson, Dawson, Dolive, Foshee, Foster of Barbour, Foster of Macon, Griggs, Jack, Jolley, Kirkpatrick, Lawson, Lee, Lowther, Massey, Molett, Muldon, Nettles, Patton, Pearson, Purifoy, Ralls, Sanders of Lamar, Sharpe, Sheid, Smith of Lowndes, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Wood, Woolf—51.

Also, favorably to the Senate bill—

s. 305. To authorize and empower the mayor and council of the town of Union Springs, in Bullock county, Alabama, to require a license of livery stable keepers.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 50, nays 1.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Ash, Bailey, Barnett, Boger, Boykin, Brooks, Campbell, Cochrane, Curtis, Crutcher, Davis, Davidson, Dawson, Dolive, Foshee, Griggs, Hearn, Hutto, Jack, James, Jolley, Kirkpatrick, Lawson, Lee, Lowther, Martin, Massey, Muldon, Nettles, Pearson, Purifoy, Ralls, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Williams, Wood, Woolf, Winn—50.

Mr. Fletcher voted nay.

Mr. Taylor of Lauderdale, from the committee on local legislation, reported favorably to the Senate bill—

s. 287. To authorize the commissioners' court of Etowah county, and of the county of Cullman, to lay off said county of Etowah and county of Cullman into four commissioners' districts, and to provide for the election of commissioners therein.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 51, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Aleander, Armstrong, Ash, Bailey, Barnett, Billingslea, Boger, Boykin, Brooks, Cochrane, Curtis, Clark of Mobile, Crutcher, Davis, Davidson, Dolive, Evans, Foshee, Fletcher, Gilbert, Griggs, Hutto, Jack, Kirkpatrick, Lawson, Lowther, Martin, Massey, Muldon, Nettles, Patton, Pearson, Ralls, Rushing, Sanders of Lamar, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Williams, Wood, Woolf—51.

Also, from same committee, reported favorably to the Senate bill—

s. 338. To provide for the registration of claims against the fine and forfeiture fund of Blount county.

The bill was ordered to a third reading forthwith, read the third time, and passed—yeas 51, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Bailey, Boger, Boykin, Cochrane, Curtis, Crutcher, Davis, Davidson, Dawson, Dolive, English, Evans, Foshee, Fletcher, Griggs, Hearn, Hutto, Jack, James,

Jolley, Lawson, Lowther, Martin, Massey, Muldon, Nettles, Patton, Pearson, Purifoy, Ralls, Rushing, Sanders of L., Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Williams, Wood, Woolf, Winn—51.

MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
February 13, 1879.

*Mr. Speaker:*

The Senate has amended, as therein shown, and passed the House bill—

H. B. 91. To regulate the fine and forfeiture fund in certain counties

And has passed House bill—

H. B. 149. To repeal an act in relation to the fine and forfeiture fund of Tuscaloosa and other counties therein named, approved March 27, 1873, as to Russell county.

And has concurred in House amendments to the bill —

s. 259. To establish a separate school district, to be known as New Market district, in Madison county.

And has amended, as therein shown, and passed House bill—

H. B. 763. To change the county boundary line between the counties of Lee and Macon.

W. L. CLAY,  
Secretary.

The House concurred in amendment of the Senate to the bill—

H. B. 91. To regulate the fine and forfeiture fund of certain counties.

Yeas 53, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Billingslea, Boger, Boykin, Campbell, Cochrane, Curtis, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, English, Foshee, Foster of Barbour, Fletcher, Gilbert, Griggs, Hearn, Hutto, Jack, James, Jolley, Kirkpatrick, Lawson, Legg, Lowther, Martin, Massey, Muldon, Nettles, Patton, Pearson, Purifoy, Ralls, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Steele, Taylor of Lauderdale, Thompson, Walker, Waller, Williams, Wood, Woolf—53.



## MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
February 13, 1879.

*Mr. Speaker :*

The President of the Senate having signed the following bills, your signature is requested :

- s. 100. In relation to guardians and their bonds.
- s. 104. To amend section 2349 of the Code.
- s. 157. To amend sections 862, 863 and 864 of the Code.
- s. 219. To exempt a growing crop from levy under legal process, except for the enforcement of liens thereon.
- s. 244. To amend section 5064 of the Code.
- s. 359. To amend section 3696 of the Code of Alabama.
- s. 312. To require railroad companies to give notice to consignees of the arrival of freight in certain cases.
- s. 243. To amend sections 2463 and 2467 of the Code, in relation to sales of land under order of the probate court.
- s. 218. To amend section 3949 of the Code.
- s. 356. To arrange and number the districts and to fix the terms of the courts of the eastern chancery division.
- s. 148. To amend section 629 of the Code.
- s. 30. To amend section 775 of the Code of Alabama.
- s. 138. To authorize the issue of the bonds of the State, to the amount of one million of dollars, for the purpose of paying and retiring the obligations of the State issued under an act approved December 19, 1873, to provide for funding the domestic debt of the State.
- s. 139. For the better protection of passengers on railroad cars in this State.
- s. 167. To prevent the wrongful cutting, boxing or girdling of pine trees, for the purpose of obtaining crude turpentine.
- s. 110. To amend section 5030 (3517) of the Code.

W. L. CLAY,  
Secretary.

And the Speaker, in the presence of the House, immediately after their titles had been publicly read, signed said bills.

Mr. Boykin, from special committee, reported favorably to the Senate bill—

- s. 334. To remove and transfer the administration on the estate of Mary L. Gayle, deceased, from the probate court of Mobile county to the probate court of Dallas county, and to

confer jurisdiction of said estate upon said probate court of Dallas county.

The bill was ordered to a third reading forthwith, read the third time and passed—yeas 56, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Ash, Bailey, Barnett, Billingslea, Boger, Boykin, Brooks, Campbell, Cochrane, Cooper, Curtis, Clark of Mobile, Crutcher, Dark, Davis, Davidson, Dawson, Dolive, Evans, Foster of Barbour, Fletcher, Gilbert, Griggs, Hearn, Hutto, Jack, Jolley, Kirkpatrick, Lawson, Legg, Lowther, Martin, Massey, Molett, Muldon, Nettles, Purifoy, Ralls, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Antauga, Smith of Lowndes, Stribling, Taylor of Lauderdale, Thompson, Walker, Williams, Wood, Woolf—56.

Mr. Jolley offered the following resolution, which was lost.

*Resolved*, That the chairman of the committee on local legislation, and the clerk and Speaker of the House, be and they are hereby authorized to certify an account in favor of A. H. McClung, clerk of said committee, for half pay for the time he has served the present session as clerk of said committee.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
February 13, 1879.

*Mr. Speaker:*

The Senate has passed the following bills:

H. B. 642. Supplemental to an act approved February 8, 1877, and to ratify and confirm a sale of land made February 4, 1878, for the benefit of township 14, range 13, of Lowndes county.

H. B. 660. Entitled an act to authorize and require the State auditor to draw his warrant on the State treasurer for the balance of school fund, exclusive of poll tax, due the county of Lawrence for the scholastic year ending September 30th, 1877.

W. L. CLAY,  
Secretary of Senate.

Mr. Ralls, from the select committee, reported favorably to the Senate bill—

s 230. To refund to Josiah Morris & Co. moneys expended by them as custodians of State bonds deposited with them in escrow by Gov. David P. Lewis under contract with Balch and associates.

On motion of Mr. Davis—

The bill was laid on the table.

The House concurred in the Senate amendment to the bill—

H. B. 763. To change the boundary line between the counties of Lee and Macon.

Yeas 53, nays 0.

Yeas—Messrs. Speaker, Akers of Jefferson, Akers of Marion, Alexander, Armstrong, Bailey, Barnett, Boykin, Bradford, Brooks, Campbell, Cochrane, Clark of Mobile, Crutcher, Davis, Davidson, Dolive, English, Evans, Foshee, Griggs, Jack, James, Jolley, Kirkpatrick, Lawson, Legg, Lowther, Lyons, Martin, Massey, Molett, Muldon, Nettles, Patton, Pearson, Pitts, Purifoy, Ralls, Rushing, Sanders of Lamar, Sharpe, Sheid, Smith of Autauga, Smith of Lowndes, Smith of Mobile, Stribling, Taylor of Lauderdale, Thompson, Walker, Waller, Williams, Wood, Woolf—53.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,

February 13, 1879.

*Mr. Speaker :*

The Senate has passed House bills—

H. B. 560. To amend sections 1, 2, 3 and 13 of an act to incorporate the town of Clayton, in the county of Barbour.

H. B. 579. To repeal an act entitled an act to prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, within two miles of the Methodist church at Larkinsville, Jackson county.

H. B. 366. To prevent the sale, giving away or otherwise disposing of alcoholic, vinous or malt liquors, within two-and-one-half miles of Carmel (Presbyterian) church, in Cherokee county.

H. B. 670. To prevent stock from running at large in that portion of Dallas county embraced between Sandy Chitlatchie and Bogue Chitto creeks and between the Upper Linden and the Old Wire road.

W. L. CLAY,  
Secretary.

On motion of Mr. Taylor of Lauderdale, the House recessed until 10 o'clock.

## NIGHT SESSION.

The House re-assembled at the hour of 10 P. M.

## SIGNING OF BILLS.

Mr. Fletcher, from the committee on enrolled bills, reported as correctly enrolled the following bills, and the Speaker, in the presence of the House, immediately after their titles had been publicly read, signed said bills:

H. B. 579. To repeal an act to prohibit the sale, &c., of spirituous, &c., liquors, within one mile of the Methodist church, in the town of Larkinsville, in the county of Jackson, approved March 28, 1873.

H. B. 848½. To repeal an act to repeal an act to repeal section 4031 (482) of the Revised Code, in so far as the same applies to the county of Covington, and to re-enact said original section 4031 (483).

H. B. 149. To repeal an act in relation to the fine and forfeiture fund of Tuscaloosa and other counties therein named, approved March 27, 1873, as to Russell county.

H. B. 815. To authorize the people of Henry county, to vote on the question of removing the county seat of said county, and to permanently locate the same.

H. B. 612. Supplemental to an act approved February 8, 1877, and to ratify and confirm a sale of land made February 4, 1878, for the benefit of township 14, range 13, of Lowndes county.

H. B. 366. To prevent the sale, giving away, or otherwise disposing of alcoholic, vinous or malt liquors, within two and one half miles of Carmel (Presbyterian) church, in Cherokee county.

H. B. 91. To regulate the fine and forfeiture fund in certain counties.

H. B. 763. To change the county boundary line between the counties of Lee and Macon.

H. B. 841. To authorize John Swan and John A. Billups, trustees and grantees mentioned in the deed executed by the Governor of Alabama, under section 19 of the act, approved Feb. 23, 1876, entitled an act to ratify and confirm the settlement of the existing indebtedness of the State, etc., or the remaining or surviving one of said trustees, or their successor, or successors, to sue for, recover, and receive, damages for any trespass to or upon the lands embraced in said deed, or to or upon any timber on said lands, committed before the execution of said deed.

H. B. 599. To regulate the handling, storage and sale of cotton in Mobile, and to protect such cotton from depredations.

H. B. 660. To authorize and require the State Auditor to draw his warrant on the State Treasurer for the balance of the school fund exclusive of poll-tax due the county of Lawrence, for the scholastic year ending September 30, 1877.

H. B. 238. To amend section 5042 of the Code.

The Speaker, also, in the presence of the House, immediately after their titles had been publicly read, signed the following bills: (Engrossed copies).

H. B. 560. To amend sections 1, 2, 3 and 13 of an act to incorporate the town of Clayton, in the county of Barbour.

H. B. 670. To prevent stock from running at large in that portion of Dallas county embraced between Sandy Chillatchee and Bogue Chitto creeks, and between the upper Linden and the old wire road.

#### SIGNING SENATE BILLS.

SENATE CHAMBER,  
Feb. 13, 1879.

*Mr. Speaker:*

The President of the Senate having signed the following bills, your signature is requested:

s. 105. To reduce the recording fees of judges of probate, registers in chancery and clerk of the supreme court in Alabama.

s. 175. To require the collectors of any special tax in any city or town, except, for the current expenses, to give separate bonds, as collectors of such special tax.

s. 331. To provide for the issuance of registered bonds, and their exchange for the coupon bonds of this State, authorized by the act approved February 23, 1876.

s. 319. To amend sections 2755 and 2737 of the Code.

s. 194. To repeal an act to regulate the publication of legal notices, in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence, approved March 3, 1870, so far as the same relates to the county of DeKalb.

s. 259. To establish a separate school district, to be known as "new market district," in Madison county.

s. 301. For the relief of Messrs. Hirsch Bros. of Uniontown, Alabama, who paid for license through mistake.

- s. 271. To amend section 4207 of the Code of Alabama.
- s. 158. To amend sections 4465, 4475 and 4481, of the Code, regulating hard labor for the county.
- s. 334. To remove and transfer the administration on the estate of Mary L. Gayle, deceased, from the probate court of Mobile county, and to confer jurisdiction of said estate upon the probate court of Dallas county.
- s. 309. To authorize the city council of Greenville, to levy and collect certain license taxes therein named, for the use and benefit of the city of Greenville.
- s. 235. To repeal an act to incorporate the town of Clanton, in the county of Baker.
- s. 277. For the relief of George Hughes and his securities, late tax collector of Winston county.
- s. 196. For the relief of Sidney Kirkland, late tax collector of Henry county.
- s. 347. To authorize the court of county commissioners of Bullock county, to employ an attorney when necessary.
- s. 338. To provide for the re-registration of claims against the fine and forfeiture fund of Blount county.
- s. 170. For the relief of E. M. Grimmer, of Dale county.
- s. 345. For the relief of township 2, range 2 east, Madison county.
- s. 305. To authorize and empower the mayor and council of the town of Union Springs, in Bullock county, Alabama, to require a license of livery stable keepers.
- s. 287. To authorize the commissioners court of Etowah county, and of the county of Cullman, to lay off said county of Etowah and county of Cullman, into four commissioners districts, and to provide for the election of commissioners thereof.
- s. 284. To authorize the county superintendent of Lee county, to pay a certain debt contracted by the trustees of the public schools of the city of Opelika.
- s. 161. To enable insurance companies to adopt or abandon the mutual plan of transacting business.
- s. 320. To amend section 2809 of the Code.

W. L. CLAY, Secretary.

And the Speaker, in the presence of the House, immediately after their titles had been publicly read, signed said bills.

The journal of February 10th, 11th, 12th, and of this day's proceedings, were read and approved.

## MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT  
Montgomery Ala. Feb. 13, 1879.

*Mr. Speaker :*

The Governor has approved the following bills which originated in the House :

H. B. 199. To change the times of holding the circuit courts in the counties of Winston, Marion, Walker and Fayette ;

H. B. 683. To make appropriations for the fiscal years ending September 30, 1879, and September 30, 1880 ;

H. B. 564. To fix the rate of taxation in this State ;

H. B. 596. To refund excess of licenses paid ;

H. B. 868. Joint resolution and memorial to Congress in reference to colored Agricultural and Mechanical College at Talladega ;

H. B. 11. To repeal section 718 to 724 inclusive, of the Code of Alabama, and also to repeal sections 4702 to 4731 inclusive, of the Code of Alabama, so far as the said sections relate to the county of Perry ;

H. B. 421. To amend section 1 of an act to form the new county of Cullman out of portions of Blount, Winston and Morgan, and to provide for the organization of said county, approved Jan. 24, 1877 ;

H. B. 780. To amend section 286 of the Code ;

H. B. 300. To repeal an act to authorize J. W. McBrayer, of Coosa county, to sell certain real estate ;

H. B. 366. To prevent the sale, &c., of liquors, &c., near Carmel church, in Cherokee county ;

H. B. 815. To authorize the people of Henry county to vote on the question of removing the county seat of said county, and to permanently locate the same ;

H. B. 818½. To repeal an act to repeal an act to repeal section 4031 (482) in the Revised Code, in so far as the same applies to the county of Covington, and to re-enact said original section 4031 (482).

H. B. 642. Supplemental to an act, approved Feb. 8, 1877, and to ratify and confirm a sale of land made Feb. 6, 1878, for the benefit of township 14, range 13, of Lowndes county ;

H. B. 579. To repeal an act entitled an act to prohibit the sale, &c., of liquors, &c., near the Methodist church, in the town of Larkinsville, in Jackson county ;

H. B. 149. To repeal an act in relation to the fine and for-

feiture fund of Tuscaloosa, and other counties therein named, approved March 27, 1873, as to Russell county ;

H. B. 763. To change the county boundary line between the counties of Lee and Macon ;

H. B. 91. To regulate the fine and forfeiture fund of certain counties ;

H. R. 841. To authorize John Swan and John A. Billups, the trustees and grantees mentioned in the deed executed by the governor of Alabama, under section 19 of the act approved Feb. 23, 1876, entitled an act to ratify and confirm the settlement of the existing indebtedness of the State, &c., or the remaining or surviving one of the said trustees or their successor or successors to sue for, recover and receive damages for any trespass to or upon the lands embraced by said deed or upon any timber on said lands, committed before the execution of said deed ;

H. B. 660. To authorize and require the State auditor to draw his warrant on the State treasurer for the balance of school fund, exclusive of poll tax due the county of Lawrence for the scholastic year ending Sept. 30, 1877 ;

H. B. 670. To prevent stock from running at large in that portion of Dallas county embraced between Sandy Chil-latchie and Bogue Chitto creeks, and between the upper Linden and old Wire road ;

H. B. 238. To amend section 5042 of the Code ;

H. B. 560. To amend sections, 1, 2, 3 and 13, of an act to incorporate the town of Clayton, in the county of Barbour ;

H. B. 599. To regulate the handling, storage and sale of cotton in Mobile, and to protect such cotton from depredations.

Very-respectfully,

THOS. H. REYNOLDS,  
Recording Secretary.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
February 13, 1879.

*Mr. Speaker :*

The Senate has adopted the following resolution :

*Resolved by the Senate, the House concurring, That a joint committee of two on the part of the Senate and three on the part of the House be appointed to wait on the Governor and*



ascertain if he has any further communication to make to the General Assembly.

Committee—Messrs. Rather and Robinson.

W. L. CLAY,  
Secretary of Senate.

The House concurred in the resolution.

Committee on the part of the House—Messrs. Woolf, Davis and Ralls.

Mr. Woolf, from the committee to wait on the Governor, reported—

That His Excellency requested the committee to say to the House that he had no further communication to make to the General Assembly.

The report was received and the committee discharged.

Mr. Williams (Mr. Woolf in the chair) offered the following preamble and resolutions, which were unanimously adopted by a rising vote :

WHEREAS, It is a time-honored custom, at the close of the sessions of the General Assembly, for the members thereof to give expression of their feelings toward the officers with whom they have been officially connected ; and,

WHEREAS, Such expressions have usually been directed by the spirit of courtesy in the utterances of approval and thanks ; and,

WHEREAS, It is the undivided opinion of this House, that we have been unprecedentedly felicitated in the selection of our officers at this session ; therefore,

*Be it resolved by the House of Representatives,* That we do tender our most sincere thanks to the Hon. David Clopton, Speaker of this House, for the able, dignified, and unexceptionally kind and considerate manner characterizing his discharge of the duties of that responsible and difficult position, in a manner that has promoted throughout the success of business, the maintenance of order, and the pleasurable feelings of its members ; that each and every member of this House will return to their homes fully and durably photographed in memory with his exalted intellectual and moral worth, and with a glow of excellent pride that Alabama is blessed with one who, in being honored, but honors his State.

*Be it further resolved,* That in the present, as in the past, our universally esteemed and unrivalled clerk, Ellis Phelan, Esq., needs no expression from us to assure him that he has our heartfelt thanks for his unvarying kindness, fidelity, and

courtesy in the official discharge of the duties constantly devolving upon him, and that in the future journey of life we will have lived long, and passed into the deeper shades of the sunset side of the hill thereof, ere we fail to remember, if ever, our good and amiable clerk, his genial face beaming with integrity and unaffected sincerity.

*Be it further resolved*, That to the other officers of the House we give the expression of our thanks for their efforts at a full discharge of their duties.

*Be it further resolved*, That these resolutions be spread upon the minutes of this House, and copies thereof furnished the papers of this city.

Mr. Clopton returned thanks for the expressions contained in the resolutions.

The hour of 12 p. m. having arrived, the Speaker declared that, under the joint resolution of the two houses, the House stood adjourned *sine die*.

DAVID CLOPTON,  
Speaker of the House of Representatives.

Attest:

ELLIS PHELAN,  
Clerk of the House.

## REGISTER OF HOUSE BILLS,

GIVING NUMBER, NAME OF INTRODUCER, ABSTRACT OF TITLE, AND  
A BRIEF STATEMENT OF THE DIFFERENT ACTIONS  
OF THE HOUSE ON SAME.

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1. Foster of Macon. To repeal an act amending ninth section of act to incorporate Tuskegee.  
November 14, read first. November 15, read second, local legislation. November 30, substitute adopted and passed. December 6, amended and passed Senate. December 7, signed, approved.
2. Foster of Macon. To amend section 4204 of the Code.  
November 14, read first. November 15, read second, judiciary. November 19, passed. December 2, signed. December 3, approved.
3. Brooks. To suspend section 6, article 13 of constitution.  
November 14, read first. November 15, read second, judiciary.
4. Woolf. Amend revenue laws.  
November 14, read first. November 15, read second, ways and means.
5. Woolf. Amend section 2148 of Code.  
November 14, read first. November 15, read second, fees and salaries.
6. Woolf. To prohibit camp hunting in Marengo county.  
November 14, read first. November 15, read second, withdrawn.
7. Woolf. To amend section 4109 of Code.  
November 14, read first. November 15, read second, judiciary.
8. Huey. To amend section 2458 Code.  
November 14, read first. November 15, read second, judiciary.

9. Huey. To amend section 2088 Code.  
November 14, read first. November 15, read second, judiciary.
10. Huey. Repeal act establishing court of quarter sessions for Perry county.  
November 14, read first. November 15, read second, local legislation. November 23, passed. December 2, signed. December 3, approved.
11. Huey. To repeal certain sections of Code as to Perry county.  
November 14, read first. November 15, read second, local legislation. February 10, passed. February 13, signed, approved.
12. Huey. To repeal act to secure more competent jurors for certain counties, as to Perry county.  
November 14, read first. November 15, read second, local legislation. November 22, passed. December 4, signed, approved.
13. Hand. To amend section 908 Code.  
November 14, read first. November 15, read second, select committee. November 16, education.
14. Waller. To amend charter of Greensboro.  
November 14, read first. November 15, read second, corporations. November 27, passed. December 10, signed, approved.
15. Brooks. To organize system of public instruction.  
November 14, read first. November 15, read second, select committee. November 16, education. December 7, substitute reported and 300 copies ordered printed. January 17, special order for to-morrow. January 19, considered. January 20, ordered to third reading. January 21, passed. February 21, Senate amends, House concurs. February 5, signed. February 8, approved.
16. Stribling. To prevent obtaining supplies fraudulently.  
November 14, read once. November 15, read second, judiciary.
17. Lyons. To amend section 5049 Code.  
November 14, read first. November 16, read second, fees and salaries.
18. Bradford. To amend section 4353 Code.  
November 14, read first. November 15, read second, judiciary.
19. Woolf. To amend section 4731 Code.  
November 14, read first. November 15, read second, judiciary. November 19, ordered to third reading.

20. **Boger.** To amend part 8, section 358 Code.  
November 14, read first. November 15, read second,  
judiciary. November 19, to ways and means. No-  
vember 29, report adverse, concurred in.
21. **Taylor of Choctaw.** To regulate registration of claims  
against fine and forfeiture fund.  
November 14, read first. November 15, read second,  
judiciary.
22. **Hutto.** To repeal act to consolidate offices of tax  
collector and assessor in Walker county.  
November 14, read first. November 15, read second,  
local legislation. November 22, passed. December  
2, signed. December 3, approved.
23. **Hutto.** To regulate legal advertisements by con-  
stables.  
November 14, read first. November 15, read second,  
judiciary. November 19, amended. November 20,  
passed. November 30, amended and passed Senate.  
November 30, concurred in. December 2, signed.  
December 3, approved.
24. **McCarron.** To repeal act to increase the fees of offi-  
cers of Mobile county.  
November 14, read first. November 15, read second,  
judiciary. November 19, passed. December 2, Sen-  
ate amends, concurred in. December 3, signed.  
December 4, approved.
25. **Fonville.** To repeal act consolidating offices of as-  
sessor and collector in Crenshaw county.  
November 15, read first. November 16, read second,  
local legislation. November 19, passed. December  
2, signed. December 3, approved.
26. **Billingslea.** To form new county of Clanton.  
Nov. 15, read first. Nov. 16, read second, counties  
and county boundaries. December 7, report favor-  
ably, with amendments. December 9, made special  
order for 17th January. January 17, minority report  
concurred in.
27. **Lyons.** To amend section 290 Code.  
November 15, read first. November 16, read second,  
fees and salaries.
28. **Lyons.** Granting license to carry concealed weapons.  
November 15, read first. November 16, read second,  
ways and means.
29. **Ralls.** To regulate collection of tax on land.  
November 15, read first. November 16, read second,  
ways and means.

30. Taylor of Lauderdale. To abolish county court of Lauderdale.  
November 15, read first. November 16, read second, judiciary. November 22, passed. December 4, Signed, approved
31. Same. To increase criminal jurisdiction of justices in Lauderdale county.  
November 15, read first. November 16, read second, local legislation. November 30, amended. December 2, passed. January 23, Senate amends. January 24, concurred in. January 25, signed, approved.
32. Boger. To amend section 4369 Code.  
November 15, read first. November 16, read second, judiciary.
33. Same. To repeal article 2, chapter 1, title 6, part 1 of Code.  
November 15, read first. November 16, read second, judiciary. November 25, to privileges and elections. December 7, report adverse, concurred in.
34. Same. To lay off Lawrence county into commissioners' districts.  
November 15, read first. November 16, read second, local legislation. November 30, passed. December 2, signed. December 3, approved.
35. Boger. Joint memorial as to homesteads.  
November 15, referred to federal relations. November 23, adverse, concurred in.
36. Brooks. To amend section 4361 Code.  
November 15, read first. November 16, read second, judiciary.
37. Fletcher. To authorize Madison county to issue new bonds.  
November 15, read first. November 16, read second, ways and means. November 26, passed. December 7, signed, approved.
38. Nettles. To amend section 1586 Code.  
November 15, read first. November 16, read second, withdrawn.
39. Martin. To amend sections 3012 and 3013 Code.  
November 15, read first. November 16, read second, judiciary.
40. Ash. To amend the act for relief of maimed soldiers.  
November 15, read first. November 16, read second, appropriations.
41. Purifoy. To amend section 4628 Code.

- November 15, read first. November 16, read second, judiciary.
42. Same. To amend section 4646 Code.  
November 15, read first. November 16, read second, judiciary.
43. Same. To amend act creating board of revenue for Wilcox county.  
November 15, read first. November 16, read second, local legislation. November 22, passed. January 16, Senate amends. January 20, concurred in. January 21, signed. January 22, approved.
44. Lawrence. To amend section 4414 Code.  
November 15, read first. November 16, read second, agriculture and commerce. November 22, report adverse, concurred in.
45. Davidson. To amend section 499 Code.  
November 16, read first. November 18, read second, judiciary.
46. Winn. To repeal act increasing jurisdiction of justices as to Clarke county.  
November 16, read first. November 18, read second, local legislation. November 22, passed.
47. Rushing. Prohibitory liquor law for Victoria, Coffee county.  
November 16, read first. November 18, read second, local legislation. December 2, referred to temperance. December 9, passed. January 21, signed. January 22, approved.
48. McIlwain. To amend section 1413 Code.  
November 16, read first. November 18, read second, agriculture and commerce. November 23, passed.
49. Same. To punish obtaining money, &c., by promise or contract.  
November 16, read first. November 18, read second, judiciary.
50. Same. To require license for labor agents.  
November 16, read first. November 18, read second, agriculture and commerce. November 23, adverse, recommitted. December 2, amended. December 3, amended. December 4, passed. January 20, Senate amends. January 21, concurred in. January 22, signed, approved.
51. Boykin. To amend section 4414 Code.  
November 16, read first. November 18, read second, agriculture and commerce. November 28, report

- favorable, recommitted. December 2, report favorable, special order to-morrow. December 3, passed.
52. Same. To amend section 1586 Code.  
November 16, read first. November 18, read second, agriculture and commerce. November 2, favorable, recommitted. December 7, passed. January 21, signed. January 22, approved.
  53. James. To amend the act requiring emigration agents to take out license.  
November 16, read first. November 18, read second, agriculture and commerce. November 23, adverse, recommitted. December 7, withdrawn.
  54. Waller. To protect probate judges in issuing marriage licenses.  
November 16, read first. November 18, read second, judiciary.
  55. Walker. To amend section 3 of charter of Birmingham.  
November 16, read first. November 18, read second, judiciary. November 26, passed. November 30, signed. December 2, approved.
  56. Walker. To amend section 32 of Code.  
November 16, read first. November 18, read second, judiciary.
  57. Sanders of Lamar. To require justices in Lamar county to perform certain duties as to working public roads.  
November 16, read first. November 18, read second, public roads and highways.
  58. Brooks. For preservation of game.  
November 16, read first. November 18, read second, local legislation. December 2, to select committee on game laws.
  59. Foster of Macon. To prevent attorneys from becoming sureties on official bonds.  
November 16, read first. November 18, read second, judiciary. November 21, passed. December 2, Senate amends, concurred in. December 3, signed. December 4, approved.
  60. Fletcher. Liquor prohibition at Madison.  
November 16, read first. November 18, read second, local legislation. November 26, passed. December 5, signed, approved.
  61. Critcher. To repeal liquor law as to Grange hall near Oleander.



- November 16, read first. November 18, read second, local legislation. December 2, to temperance.
62. Akers of Marion. To repeal act to regulate number &c., in Marion county.  
November 16, read first. November 18, read second, local legislation. December 6, passed. January 20, signed. January 21, approved.
63. McCarron. To amend subdivision one of section 5047 Code.  
November 16, read first. November 18, read second, fees and salaries. February 3, passed.
64. Nicholson. Imposing a tax on liquors (Moffett system).  
November 16, read first. November 18, read second, ways and means. January 21, to select committee of five. February 1, substitute adopted. February 3, one hundred and fifty copies ordered printed. February 5, indefinitely postponed.
65. Foster of Barbour. To amend section 2223 of Code.  
November 18, read first. November 19, read second, judiciary. November 22, passed. November 30, Senate amends, concurred in. December 2, signed. December 3, approved.
66. Same. To amend section 4617 of Code.  
November 18, read first. November 19, read second, judiciary. November 22, passed. December 2, signed. December 3, approved.
67. Same. To regulate collection, &c., of taxes, to pay debts existing prior to present constitution.  
November 18, read first. November 19, read second, ways and means.
68. Same. To regulate sale, &c., of seed cotton.  
November 18, read first. November 19, read second, agriculture and commerce. November 23, adverse, recommitted to local legislation.
69. Same. To permit persons charged with crime to testify.  
November 18, read first. November 19, read second, judiciary.
70. Caldwell. To repeal an act to require tax collector of Bullock county to receive registered claims.  
November 18, read first. November 19, read second, local legislation. December 5, to judiciary. January 16, passed. January 25, signed, approved.

71. McCane. To make additional appropriations for maimed soldiers.  
November 18, read first. November 19, read second, appropriations.
72. Sheid. Relief of Martin & Clark.  
November 18, read first. November 19, read second, accounts and claims. February 6, passed. February 13, signed.
73. Armstrong. Liquor prohibition at Milltown academy.  
November 18, read first. November 20, read second, local legislation. December 2, to temperance. December 9, passed. February 7, signed, approved.
74. Same. To amend section 1630 of Code.  
November 18, read first. November 19, read second, public roads and highways.
75. Taylor of Choctaw. To repeal section 750 of Code.  
November 18, read first. November 19, read second, public printing.
76. Same. To amend section 3084 of Code.  
November 18, read first. November 19, read second, judiciary. November 22, passed. December 9, Senate amends, concurred in. December 10, signed, approved.
77. Same. To amend section 3341 of Code.  
November 18, read first. November 19, read second, judiciary. January 16, passed. January 31, Senate amends, concurred in. February 1, signed. February 3, approved.
78. Winn. To change name of Charles C. Pickard to Charles C. Doublar.  
November 18, read first. November 19, read second, local legislation.
79. Alexander. To amend section 1165 of Code.  
November 18, read first. November 19, read second, education.
80. Kennedy. To make Samuel H. Striplin a citizen of Clay.  
November 18, read first. November 19, read second, counties and county boundaries. November 30, passed. December 6, passed Senate. December 7, signed, approved.
81. Riley. To amend subdivision 1, section 908 of Code.  
November 18, read first. November 19, read second, education.

82. Boykin. To amend section 4800 of Code.  
November 18, read first. November 19, read second,  
judiciary. November 25, passed. December 2,  
Senate amends, concurred in. December 3, signed.  
December 4, approved.
83. Same. To protect persons having an interest in  
corn, etc.  
November 18, read first. November 19, read second,  
agriculture and commerce. November 23, to judi-  
ciary. February 10, passed.
84. McIlwain. To provide for registration of all claims  
against Dallas county.  
November 18, read first. November 19, read second,  
local legislation. December 5, passed. January 31,  
Senate amends, concurred in. February 1, signed.  
February 3, approved.
85. Gilbert. To provide for advertising sales by con-  
stables.  
November 19, read first. November 20, read second,  
judiciary.
86. Legg. To regulate the number of grand and petit ju-  
rors for Fayette and Lamar.  
November 19, read first. November 20, read second,  
local legislation. December 5, passed. December  
6, reconsidered, amended, and passed. December 7,  
reconsidered, amended, and passed. February 11,  
Senate amends. February 12, House non-concurs,  
committee of conference, Senate agrees. February  
13, report concurred in, Senate concurs, signed,  
approved.
87. Register. To amend act prescribing additional duties  
of treasurer of Geneva county.  
November 19, read first. November 20, read second,  
judiciary. January 25, passed.
88. James. To repeal section 1548 of Code.  
November 19, read first. November 20, read second,  
judiciary.
89. Waller. To amend section 4731 of Code.  
November 19, read first. November 20, read second,  
judiciary.
90. Same. To prevent malicious prosecutions before jus-  
tices.
91. Walker. To amend section 4460 of Code.  
November 19, read first. November 20, read second,  
judiciary. February 8, substitute reported, bill tabled.

- February 10, taken from table, amended, and passed, February 13, Senate amends; concurred in, signed, approved.
92. Walker. To amend section 739 of Code.  
November 19, read first. November 20, read second, fees and salaries. November 23, passed. December 6, passed Senate. December 7, signed, approved.
  93. Davis. To amend section 3496 of Code.  
November 19, read first. November 20, read second, judiciary. November 25, substitute adopted and ordered to third reading. November 26, passed. December 6, Senate amends, concurred in. December 7, signed, approved.
  94. Boger. To repeal section 4369 of Code as to Lawrence.  
November 19, read first. November 20, read second, judiciary. November 26, adverse.
  95. Same. To prohibit working convicts outside of penitentiary.  
November 19, read first. November 20, read second, penitentiary.
  96. Clark of Lawrence. To provide compensation of experts.  
November 19, read first. November 20, judiciary.
  97. Foster of Macon. To prohibit payment of fines and forfeitures in anything but currency.  
November 19, read first. November 20, read second judiciary.
  98. Same. To require proceeds of hire of county convicts to be paid into the fine and forfeiture fund.  
November 19, read first. November 20, read second, judiciary.
  99. Same. To provide for registration, &c., of claims against the fine and forfeiture fund.  
November 19, read first. November 20, read second, judiciary.
  100. Brooks. To enforce payment out of property of married women on judgments before justices.  
November 19, read first. November 20, read second, judiciary. January 16, passed. February 11, passed Senate. February 12, signed.
  101. Brooks. To require mortgagees to enter on margin of the record the amount secured.  
November 19, read first. November 20, read sec-

- ond, judiciary. February 7, passed. February 11, Senate amends. February 12, concurred in. February 13, signed, approved.
102. Same. For the collection of costs in convictions before justices.  
November 19, read first. November 20, read second, judiciary.
103. Same. To regulate the judgment in actions of detinue.  
November 19, read first. November 20, read second, judiciary.
104. Same. To prevent petit larceny.  
November 19, read first. November 20, read second, judiciary. November 29, passed. November 30, reconsidered and recommitted.
105. Woolf. To divide State into eight judicial circuits.  
November 19, read first. November 20, read second, to joint committee. January 23, substitute reported. January 24, substitute adopted and passed. January 29, passed Senate. January 30, signed. February 1, approved.
106. Bradford. To amend sections 931 and 932 of Code.  
November 19, read first. November 20, read second, education.
107. Akers of Marion. To regulate number of jurors for Marion county.  
November 19, read first. November 20, read second, local legislation. December 6, adverse.
108. Williams. Joint resolution raising committee to memorialize congress.  
November 19, adopted.
109. Critcher. To establish a criminal court for trial of misdemeanors in Marshall county.  
November 19, read first. November 20, read second, judiciary.
110. Same. To amend section 19 of charter of Guntersville.  
November 19, read first. November 20, read second, corporations. November 27, passed. December 6, Senate amends. December 7, concurred in. December 9, signed, approved.
111. Same. To amend act to incorporate Guntersville.  
November 19, read first. November 20, read second, corporations. November 27, passed. December 6, passed Senate. December 7, signed. December 9, approved.

112. Clark of Mobile. To amend section 3921 of Code.  
November 19, read first. November 20, read second, judiciary. November 29, passed. December 9, passed Senate. December 10, signed, approved.
113. Muldon. To amend section 2688 of Code.  
November 19, read first. November 20, read second, judiciary.
114. Clopton. To provide for issuance of certificates from supreme court.  
November 19, read first. November 20, read second, judiciary. November 26, passed. January 29, Senate amends. January 30, referred to judiciary.
115. Clopton. Impeachment bill.  
November 19, read first. November 20, read second, judiciary. November 26, amended. December 5, passed. January 20, passed Senate. January 21, signed. January 22, approved.
116. Owens. To provide for the selection of homestead, &c., of deceased persons.  
November 19, read first. November 20, read second, judiciary.
117. Ramsey. To amend the act to regulate letting of contracts for public works in Sumter county.  
November 19, read first. November 20, read second, local legislation.
118. Same. Allowing justices and others set-offs in certain cases.  
November 19, read first. November 20, read second, judiciary.
119. Bowdon. To repeal section 4203 of Code.  
November 19, read first. November 20, read second, judiciary.
120. Dawson. To regulate pay of commissioners of Tallapoosa.  
November 19, read first. November 20, read second, fees and salaries.
121. Stribling. To designate first district southern chancery division.  
November 19, read first. November 20, read second, judiciary. February 10, passed.
122. Parifoy. To amend section 4203 of Code.  
November 19, read first. November 20, judiciary.
123. Same. To amend section 1179 of Code.  
November 19, read first. November 20, read second, education.

124. Massey. To authorize probate judge of Barbour to grant letters on estate of L. L. Cato, &c.  
November 19, read first. November 20, read second, judiciary.
125. Hand. To allow change of venue from justices' courts.  
November 19, read first. November 20, read second, judiciary.
126. Cooper. To regulate payment of claims, &c., Bibb county.  
November 20, read first. November 21, read second, local legislation. November 30, passed, reconsidered and referred to judiciary.
127. Davidson. To repeal act regulating fine and forfeiture fund of certain counties as to Blount.  
November 20, read first. November 21, read second, local legislation. November 30, passed. January 16, passed Senate. January 17, signed, approved.
128. Armstrong. To amend section 1657 of Code.  
November 20, read first. November 21, read second, public roads and highways. November 25, passed.
129. Steele. To repeal the act to abolish office of tax collector of Colbert, Bibb, &c.  
November 20, read first. November 12, read second, local legislation. November 26, passed. December 4, passed Senate. December 5, signed, approved.
130. Billingslea. To amend section 1 of the act prohibiting sale of liquor at Harrell's X roads.  
November 20, read first. November 21, read second, local legislation. November 30, passed.
131. Boykin. To secure the keeping in repair, &c., gates across public roads.  
November 20, read first. November 21, read second, public roads and highways. November 25, passed. December 9, Senate amends. December 10, concurred in, signed, approved.
132. Boykin. To prevent sale, &c., of seed cotton in Dallas and Wilcox.  
November 20, read first. November 21, read second, local legislation. December 6, withdrawn.
133. Lyons. To amend section 4738 of Code.  
November 20, read first. November 21, read second, judiciary.

134. Same. To amend section 4739 of Code.  
November 20, read first. November 21, read second,  
judiciary.
135. Same. To amend section 4763 of Code.  
November 20, read first. November 21, read second,  
judiciary.
136. Same. To amend section 4879 of Code.  
November 20, read first. November 21, read second,  
judiciary.
137. Same. To amend section 4880 of Code.  
November 20, read first. November 21, read second,  
judiciary.
138. Woolf. To regulate sale of lands purchased by the  
State at tax sales, &c.  
November 20, read first. November 21, read sec-  
ond, ways and means.
139. Waller. To amend section 4241 of Code.  
November 20, read first. November 21, read sec-  
ond, judiciary.
140. James. To regulate traffic in seed cotton.  
November 20, read first. November 21, read sec-  
ond, agriculture and commerce. November 21, ad-  
verse, referred to local legislation.
141. Muldon. To regulate manner of giving notice to  
drawers, &c., of bills of exchange, &c.  
November 20, read first. November 21, read sec-  
ond, judiciary. December 2, passed. December 9,  
passed Senate. December 10, signed, approved.
142. Nicholson. To regulate sale of cotton in Montgomery  
county, &c.  
November 20, read first. November 21, read second,  
local legislation. December 3, substitute adopted.  
December 4, passed. January 28, Senate amends.  
January 29, concurred in. January 30, signed.  
February 3, approved.
143. Huey. To provide lights and fuel for circuit and  
other courts.  
November 20, read first. November 22, read second,  
judiciary. November 29, passed. January 16,  
passed Senate. January 17, signed, approved.
144. Same. For relief Robert Johnson and H. K. Free-  
man.  
November 20, read first. November 22, read second,  
judiciary.
145. Willett. To amend section 660 of Code.



- November 20, read first. November 21, read second, judiciary. February 7, passed.
146. Owens. To amend section 1630 of Code.  
November 20, read first. November 21, read second, judiciary.
147. Dark. To require Secretary of State to furnish notaries with the Code.  
November 20, read first. November 21, read second, ways and means. January 22, adverse.
148. Stribling. To amend sections 888 and 895 of the Code.  
November 20, read first. November 21, read second, education.
149. McDougald. To repeal the act in relation to fine and forfeiture fund of certain counties, as to Russell.  
November 20, read first. November 21, read second, counties and county boundaries. November 30, to judiciary. February 7, passed. February 13, passed Senate, signed, approved.
150. Clark of Mobile. To provide for execution of certain chancery decrees originating in circuit court.  
November 20, read first. November 21, read second, judiciary. February 7, passed.
151. McIlwain. To provide a fund for payment of State's witnesses in circuit court of Dallas.  
November 20, read first. November 21, read second, local legislation.
152. Lawrence. To define counties composing northern chancery division.  
November 20, read first. November 21, read second, judiciary.
153. Fonville. To amend subdivision 2, section 651 of the Code.  
November 21, read first. November 22, read second, judiciary. November 29, passed. December 10, Senate amends. January 16, concurred in, signed, approved.
154. Ralls. To amend section 4310 of the Code.  
November 21, read first. November 22, read second, judiciary.
155. Lyons. To prevent camp hunting in Escambia.  
November 21, read first. November 22, read second, local legislation. December 2, to select committee on game laws. December 7, report favorable. December 9, amended and lost. December 10, recon-

- sidered. January 18, recommitted. January 31, passed.
156. Akers of Jefferson. Prescribing the township trustees. November 21, read first. November 22, read second, education.
  157. Taylor of Lauderdale. To amend section 79 of Code. November 21, read first. November 22, read second, judiciary. November 29, passed. December 5, passed Senate. December 6, signed, approved.
  158. Taylor of Lauderdale. To regulate insurance companies. November 21, read first. November 25, read second, judiciary.
  159. Davis. To prevent sacrifice of real estate of deceased persons. November 21, read first. November 22, read second, judiciary.
  160. Betts. To repeal sections 4409, 4410, 4411 of Code, as to Madison county. November 21, read first. November 22, read second, local legislation.
  161. Clark of Mobile. To require banks, etc., to give receipts for collaterals. November 21, read first. November 22, read second, judiciary. February 7, passed. February 12, passed Senate, signed, approved.
  162. Nicholson. To amend section 4196 of Code. November 21, read first. November 22, read second, judiciary. November 25, amended, recommitted. February 7, passed. February 11, Senate amends. February 12, concurred in. February 13, signed, approved.
  163. Clopton. To amend section 2293 of Code. November 21, read first. November 22, read second, judiciary. November 25, report favorable, recommitted. December 10, passed.
  164. Clopton. To amend section 4358 of Code. November 21, read first. November 22, read second, judiciary.
  165. Willett. To amend section 666, and to repeal section 5063 of Code. November 21, read first. November 22, read second, judiciary. February 7, passed.
  166. Owens. To repeal sections 3286, 3237 and 3288 of Code.

- November 21, read first. November 22, read second, judiciary.
167. Ramsey. To repeal the act to enlarge jurisdiction of justices in North Sumter.  
November 21, read first. November 22, read second, local legislation. December 6, passed. January 18, passed Senate. January 20, signed. January 21, approved.
168. Dawson. To repeal act to incorporate Dadeville.  
November 21, read first. November 22, read second, corporations. November 27, passed. December 6, passed Senate. December 7, signed, approved.
169. Huey. To make additional appropriation for maimed soldiers.  
November 21, read first. November 22, read second, appropriations. December 7, substitute reported. January 21, passed. February 12, Senate amends, House refuses to concur, Senate recedes. February 13, signed, approved.
170. Taylor of Choctaw. To provide for protection of fees payable out of fine and forfeiture fund of Choctaw county.  
November 21, read first. November 22, read second, judiciary. November 25, passed.
171. Bradford. To amend 1st subdivision of section 908 of Code.  
November 21, read first. November 22, read second, education.
172. Rushing. To allow electors of Coffee and Geneva to vote in any precinct.  
November 21, read first. November 22, read second, privileges and elections.
173. Clark of Mobile. To fix the time of holding courts in sixth judicial circuit.  
November 21, read first. November 22, read second, judiciary. November 25, amended. November 26, passed. December 6, Senate amends. December 7, concurred in, signed, approved.
174. McCarron. To repeal act establishing board of commissioners for Mobile county.  
November 21, read first. November 22, read second, judiciary. December 2, passed. January 31, Senate amends, concurred in. February 1, signed. February 3, approved.

175. Smith of Antauga. To amend charter of Prattville.  
November 22, read first. November 23, read second, corporations. November 27, passed. December 6, passed Senate. December 9, signed, approved.
176. Same. To regulate sale, &c., of liquor at Prattville.  
November 22, read first. November 23, read second, local legislation. December 2, to temperance. December 9, passed. January 20, passed Senate. January 21, signed. January 22, approved.
177. Massey. To repeal the act authorizing certain counties to be laid off into four commissioners districts, as to Barbour county.  
November 22, read first. November 23, read second, local legislation. December 6, passed. January 25, passed Senate. January 27, signed, approved.
178. Lawrence. To limit discretion of inspectors of penitentiary, &c.  
November 22, read first. November 23, read second, penitentiary.
179. Riley. For relief of Covington county.  
November 22, read first. November 23, read second, appropriations. November 29, adverse.
180. Same. To amend section 1630 of Code.  
November 22, read first. November 23, read second, public roads and highways. December 7, passed. December 9, reconsidered and tabled. December 10, taken from table and recommitted. January 29, amended, tabled.
181. Ralls. To require lightning rod companies to take out license.  
November 22, read first. November 23, read second, ways and means. November 26, passed. January 16, passed Senate. January 17, signed, approved.
182. Waller. To allow party interested in fine to testify.  
November 22, read first. November 23, read second, judiciary.
183. Same. To repeal section 3286 of Code.  
November 22, read first. November 23, read second, local legislation. December 6, to judiciary.
184. Same. To prohibit mortgages of growing crops.  
November 22, read first. November 23, read second, local legislation. December 6, to judiciary.

185. James. To protect parties making advances.  
November 22, read first. November 23, read second, agriculture and commerce. November 26, report favorable, recommitted to judiciary.
186. Akers of Jefferson. To amend second 1167 of Code.  
November 22, read first. November 23, read second, education.
187. Davis. To amend section 290 of Code.  
November 22, read first. November 23, read second, privileges and elections.
188. Smith of Lowndes. To regulate sale of cotton in Lowndes.  
November 22, read first. November 23, read second, local legislation. December 6, withdrawn.
189. Betts. To define duties, &c., of county commissioners in assessment of property for taxation.  
November 22, read first. November 23, read second, ways and means.
190. Betts. To regulate collection of fines, &c., in Madison.  
November 22, read first. November 23, read second, local legislation.
191. Betts. To regulate collection, &c., of funds raised by special county levies.  
November 22, read first. November 23, read second, ways and means.
192. Same. To provide for trial by juries before justices in Madison.  
November 22, read first. November 23, read second, judiciary.
193. Fletcher. To amend section 5044 of Code.  
November 22, read first. November 23, read second, judiciary.
194. Critcher. For relief of F. M. Nixon.  
November 22, read first. November 23, read second, local legislation.
195. Hearn. For relief of Chas. E. and Mary J. Garwood.  
November 22, read first. November 23, read second, privileges and elections. December 7, passed. January 31, passed Senate. February 1, signed. February 3, approved.
196. Dawson. To regulate levy, &c., of special taxes.  
November 22, read first. November 23, read second, ways and means. November 29, substitute reported, recommitted. December 5, substitute

- adopted. December 6, reconsidered. December 7, passed. January 30, passed Senate. January 31, signed. February 1, approved.
197. Dark. To incorporate Dadeville.  
November 22, read first. November 23, read second, corporations. November 27, amended. November 30, passed. December 10, passed Senate. January 16, signed, approved.
  198. Owens. To refund taxes to Nancy Brown.  
November 22, read first. November 23, read second, ways and means.
  199. Cochrane. To change time of holding courts in Winston, Marion and Fayette.  
November 22, read first. November 23, read second, judiciary. February 7, passed. February 13, passed Senate, approved.
  200. Purifoy. To amend section 919 of Code.  
November 22, read first. November 23, read second, education.
  201. Campbell. To repeal liquor prohibitory law of Scottsboro.  
November 22, read first. November 23, read second, local legislation. November 26, passed. December 5, passed Senate. December 6, signed, approved.
  202. Huey. To forbid sheriffs appointing coroners' deputies.  
November 22, read first. November 23, read second, judiciary. December 2, passed. December 9, passed Senate. December 10, signed, approved.
  203. Same. To punish kidnapping, &c.  
November 22, read first. November 23, read second, judiciary.
  204. Muldon. For relief of estate of G. J. S. Cavallers.  
November 22, read first. November 23, read second, ways and means.
  205. Same. To amend game laws.  
November 22, read first. November 23, read second, agriculture and commerce. December 2, to committee on game laws.
  206. Akers of Marion. To authorize people of Marion to vote on removing court house.  
November 22, read first. November 23, read second, local legislation. January 25, amended. January 27, passed. February 6, signed. February 7, approved.

207. Woolf. To amend section 2823 of Code.  
November 22, read first. November 23, read second, judiciary.
208. Armstrong. Liquor prohibition, beat one, Chambers county.  
November 23, read first. November 24, read second, local legislation. December 2, to temperance. February 5, passed. February 11, passed Senate. February 12, signed, approved.
209. Rushing. To amend section 400 of Code.  
November 23, read first. November 25, read second, ways and means. December 5, passed. January 30, passed Senate. January 31, signed. February 1, approved.
210. Register. To amend section 4109 of Code.  
November 23, read first. November 25, read second, judiciary.
211. Waller. To amend section 3386 of Code.  
November 23, read first. November 25, read second, judiciary.
212. Sanders of Lamar. To regulate publication of legal notices in Lamar.  
November 23, read first. November 25, read second, local legislation. January 25, passed. February 1, passed Senate. February 3, signed. February 4, approved.
213. Clark of Lawrence. To protect capitol grounds.  
November 23, read first. November 25, read second, State capitol. December 2, passed. January 16, passed Senate. January 17, signed, approved.
214. Betts. To transfer certain causes from county to circuit court of Madison.  
November 23, read first. November 25, read second, judiciary. February 7, passed.
215. Critcher. To repeal act to define the line between DeKalb and Marshall.  
November 23, read first. November 25, read second, counties and county boundaries. January 27, passed. February 1, passed Senate. February 3, signed. February 4, approved.
216. Muldon. To authorize corporations to reduce capital stock.  
November 23, read first. November 25, read second, judiciary.

217. Clark of Mobile. To authorize county of Mobile to issue bonds.  
November 23, read first. November 25, read second, local legislation. December 5, passed. January 22, passed Senate. January 23, signed. January 24, approved.
218. For pay of J. B. Shields, contestant.  
November 23, read first. November 25, read second, appropriations. November 29, report adverse, bill tabled.
219. Taylor of Choctaw. To repeal section 4202 of Code.  
November 23, read first. November 25, read second, judiciary. November 29, report favorable, and lost.
220. Same. To amend subdivision 21 of section 494 of Code.  
November 23, read first. November 25, read second, ways and means. November 29, passed. December 10, passed Senate. January 16, signed, approved.
221. Foster of Barbour. To amend section 5047 of Code.  
November 23, read first. November 24, read second, judiciary.
222. Same. To amend section 4450 of Code.  
November 25, read first. November 26, read second, judiciary. January 16, favorable, recommitted. February 10, passed.
223. Same. To regulate collection, &c., of hire of county convicts.  
November 25, read first. November 26, read second, judiciary. January 16, favorably, recommitted.
224. Taylor of Choctaw. To amend section 651 of Code.  
November 25, read first. November 26, read second, judiciary. January 16, passed. February 1, amended by Senate. February 11, concurred in. February 12, signed, approved.
225. Molett. To provide fund for supreme court library.  
November 25, read first. November 26, read second, judiciary.
226. Lyons. To fix fees for victualling prisoners.  
November 25, read first. November 26, read second, fees and salaries.
227. Same. To repeal act to consolidate offices of circuit clerk and assessor of Escambia county.  
November 25, read first. November 26, read second.



- local legislation. January 25, passed. February 5, passed Senate. February 6, signed. February 7, approved.
230. Same. To regulate pay of commissioners of Escambia county.  
November 25, read first. November 26, read second, fees and salaries. December 2, passed. December 3, reconsidered, withdrawn.
231. Same. To repeal act to authorize Escambia county to levy, &c., a special tax.  
November 25, read first. November 26, read second, ways and means. December 5, passed. January 18, passed Senate. January 20, signed. January 21, approved.
232. Patton. To repeal act to increase fees of witnesses in justices' courts, in Greene and Marengo counties.  
November 25, read first. November 26, read second, local legislation. January 25, passed. January 31, passed Senate. February 1, signed. February 3, approved.
233. Hand. To increase the jurisdiction of justices.  
November 25, read first. November 26, read second, judiciary.
234. Akers of Jefferson. To provide for safety of brakemen.  
November 25, read first. November 26, read second, Corporations. November 27. To public R. and H. January 29. Substitute reported, recommitted.
235. Some. To prevent farmers, &c., from becoming sureties on certain bonds.  
November 25, read first. November 26, read second, ways and means.
236. Taylor of Lauderdale. To authorize Lauderdale county to issue new bonds.  
November 25, read first. November 26, read second, local legislation. December 5, passed. January 23, passed Senate. January 24, signed. Approved.
237. Crutcher. To increase jurisdiction of justices in Limestone county.  
November 25, read first. November 26, read second, local legislation. December 6, passed. February 5, Senate amends. February 11, concurred in. February 12, signed, approved.
238. Brooks. To amend section 5042 of Code.  
November 25, read first. November 26, read second,

- fees and salaries. February 10, passed. February 13, passed Senate, signed, approved.
239. Fletcher. To amend section 1259 of Code. November 25, read first. November 26, read second, education. January 22, passed. February 5, passed Senate. February 6, signed. February 7, approved.
240. Woolf. To enable counties to collect back taxes on R. R. November 25, read first. November 26, read second, ways and means. November 29, 150 copies ordered printed. January 28, to judiciary.
241. Pitts. To authorize Amos Elliott, administrator, &c., to sell certain lands. November 25, read first. November 26, read second, judiciary.
242. Taylor of Choctaw. To provide for prosecutions, in the county courts. November 25, read first. November 26, read second, judiciary.
243. Huey. To require commissioners court of Perry, to audit claims of justices, &c. November 25, read first. November 26, read second, local legislation.
244. Walker. To change line between Jefferson and Shelby. November 25, read first. November 26, read second, counties and county boundaries. November 30, passed. December 6, passed Senate. December 7, signed, approved.
245. Bradford. To prevent fox hunting in Marengo. November 25, read first. November 26, read second, local legislation. December 2, to select committee on game laws.
246. Sheid. For the relief of Adeline Crook. November 25, read first. November 26, read second, judiciary.
247. Reynolds. To amend section 1175 of Code. November 25, read first. November 26, read second, Education.
248. Massey. To repeal city court of Eufaula. November 26, read first. November 27, read second, local legislation. December 5, report favorable. December 6, passed. December 7, reconsidered. January 16, special order 21st instant. January 21,

- special order for to-morrow. January 22, to select committee. January 23, passed. February 8, Senate amends. February 11, concurred in. February 12, signed, approved.
249. Sheid. To amend section 4733 of Code.  
November 26, read first. November 27, read second, local legislation.
250. Reynolds. To prevent obstruction of fish on Choctawhatchee river.  
November 26, read first. November 27, read second, local legislation. December 2, to game laws. December 9, passed. January 18, passed Senate. January 20, signed. January 21, approved.
251. Woolf. To require a license of trade boats, &c.  
November 26, read first. November 27, read second, ways and means.
252. Muldon. To amend section 3711 of Code.  
November 26, read first. November 27, read second, judiciary. February 10, passed.
253. Clopton. Relief of Robert Parker.  
November 26, read first. November 27, read second, local legislation. January 25, passed. February 12, passed Senate. February 13, signed, approved.
254. Huey. Liquor prohibition, Oak Grove, Perry county.  
November 26, read first. November 27, read second, local legislation. December 2, to temperance.
255. Willett. To require Secretary of State to make annual reports.  
November 26, read first. November 27, read second, judiciary. February 7, passed. February 11, passed Senate. February 12, signed, approved.
256. Ash. To amend section 851 of Code.  
November 26, read first. November 27, read second, judiciary.
257. Same. To repeal article 2, chapter 1, title 6, part 1, of Code.  
November 26, read first. November 27, read second, judiciary.
258. Same. To amend section 2670 of Code.  
November 26, read first. November 27, read second, judiciary.
259. Heacock. To amend act to reduce rate of taxation.  
November 26, read first. November 27, read second, ways and means. January 21, report amendment.

- January 23, special order 28th inst. January 28, amended. February 1, recommitted.
260. Purifoy. To amend section 4887 of Code.  
November 26, read first. November 27, read second, judiciary.
261. Lyons. To require county superintendents to make itemized statements of receipts, &c.  
November 26, read first. November 27, read second, education.
262. Lawrence. To repeal proviso to act February 5, 1858.  
November 26, read first. November 27, read second, judiciary. January 16, passed. February 12, passed Senate, signed, approved.
263. Pitts. To regulate terms of circuit court of Shelby county.  
November 26, read first. November 27, read second, judiciary. January 16, passed. January 24, passed Senate. January 25, signed, approved.
264. Foster of Barbour. To create teachers' institutes and educational boards.  
November 27, read first. November 29, read second, education.
265. Same. To amend section 5022 of Code.  
November 27, read first. November 29, read second, fees and salaries.
266. Waller. To confer chancery jurisdiction on probate judges in certain cases.  
November 27, read first. November 29, read second, judiciary.
267. James. To amend section 1 of the game laws.  
November 27, read first. November 29, read second, local legislation. December 2, to game laws.
268. Walker. To authorize Governor to purchase Berney's Hand-Book.  
November 27, read first. November 29, read second, appropriations. December 7, adverse.
269. Betts. To amend section 1310 of Code.  
November 27, read first. November 29, read second, education.
270. Fletcher. To amend section 3711 of Code.  
November 27, read first. November 29, read second, judiciary.
271. Muldon. To make ninth of April legal holiday in Mobile.

- November 27, read first. November 29, read second, judiciary.
272. Clopton. To amend section 4541 of Code.  
November 27, read first. November 29, read second, judiciary. November 30, to penitentiary.
273. Clopton. To enable married women whose husbands are insane, etc., to convey real estate.  
November 27, read first. November 29, read second, judiciary. January 16, passed. January 17, reconsidered. January 20, passed. February 11, passed Senate. February 12, signed, approved.
274. Owens. To amend section 5051 of Code.  
November 27, read first. November 29, read second, judiciary.
275. McDougald. For relief of Thomas S. Paschal.  
November 27, read first. November 29, read second, ways and means. February 10, passed.
276. Cochran. To repeal act relating to fine and forfeiture fund of Tuscaloosa.  
November 27, read first. November 29, read second, local legislation. December 6, passed. February 10, Senate amends. February 11, concurred in. February 12, signed, approved.
277. Same. To amend section 4470 of Code.  
November 27, read first. November 29, read second, judiciary.
278. Stribling. To repeal game law as to Washington.  
November 27, read first. November 29, read second, local legislation. December 2, to game laws.
279. Same. To prohibit camp hunting in Washington.  
November 27, read first. November 29, read second, local legislation. December 5, to game laws. December 9, passed. December 10, motion to reconsider tabled. February 5, Senate amends. February 11, concurred in. February 12, signed, approved.
280. Walker. To allow affidavits as proof of accounts.  
November 27, read first. November 29, read second, judiciary.
281. Stribling. To allow Thomas Shinn to practice medicine without license.  
November 27, read first. November 29, read second, local legislation.
282. Smith of Mobile. To divide the State into three chancery divisions.

- November 27, read first. November 29, read second, judiciary.
283. Foster of Barbour. To repeal an act to provide for the payment of educational system of State.  
November 29, read first. November 30, read second, education.
284. Armstrong. To repeal article ii, chapter 1, title 6 of Code.  
November 29, read first. November 30, read second, withdrawn.
285. Kennedy. To authorize commissioners of Clay county to lay off county into commissioners' districts.  
November 29, read once. November 30, read second, local legislation.
286. Steele. To amend section 3526 of Code.  
November 29, read first. November 30, read second, judiciary.
287. Same. To amend section 907 of Code.  
November 29, read first. November 30, read second, education.
288. Woolf. To provide for appeals from convictions before municipal officers.  
November 29, read first. November 30, read second, judiciary. January 16, passed. February 11, Senate amends. February 12, concurred in, February 13, signed, approved.
289. Nettles. Regulating the fine and forfeiture fund of Monroe county.  
November 29, read first. November 30, read second, judiciary. February 7, passed. February 12, signed, approved.
290. Sharpe. To amend section 412 of Code.  
November 29, read first. November 30, read second, ways and means.
291. Same. To amend section 415 of Code.  
November 29, read first. November 30, read second, ways and means.
292. Lee. To make make more effectual provision for fees of officers payable out of fine and forfeiture fund, Pickens county.  
November 29, read first. November 30, read second, local legislation.
293. Huey. To amend section 751 of Code.  
November 29, read first. November 30, read second, counties and county boundaries. December 7, passed.

- February 11, passed Senate. February 12, signed, approved.
294. Betts. To provide for sale of land for delinquent taxes.  
November 29, read first. November 30, read second, ways and means. February 15, substitute reported. February 6, special order for to-morrow. February 7, to select committee. February 8, substitute reported, and passed. February 12, Senate amends, concurred in. February 13, signed, approved.
295. Dark. To amend section 4 of an act to incorporate Tallasseé Manufacturing company, No. 1.  
November 29, read first, November 30, read second, temperance.
296. Steele. To repeal section 3487 of Code.  
November 29, read first. November 30, read second, judiciary.
297. Davidson. To amend section 4198 of Code.  
November 30, read first. December 2, read second, judiciary.
298. Armstrong. To authorize redemption of real estate sold for taxes and purchased by the State.  
November 30, read first. December 2, read second, ways and means.
299. Lawrence. To amend section 5030 of Code.  
November 30, read first. December 2, read second, ways and means.
300. Same. To repeal act to authorize J. W. McBrayer to sell certain lands.  
November 30, read first. December 2, read second, local legislation. February 7, passed. February 13, passed Senate, signed, approved.
301. Ralls. To change the venue in certain cases.  
November 30, read first. December 2, read second, judiciary.
302. Walker. To amend section 3971 of Code.  
November 30, read first. December 2, read second, judiciary. December 10, passed.
303. Sanders of Lamar. To repeal section 239 of election law.  
November 30, read first. December 2, read second, privileges and elections.
304. Betts. To punish fraud in contracts.  
November 30, read first. December 2, judiciary.
305. Same. To amend section 3866 of Code.

- November 30, read first. December 2, read second, judiciary. February 7, passed.
306. Fletcher. To regulate the time of holding courts in Northern chancery divisions.  
November 30, read first. November 2, read second, judiciary. February 4, passed. February 7, passed Senate. February 8, signed. February 10, approved.
307. Bradford. To prohibit sale of liquors in McKinley beat, Marengo county.  
November 30, read first. December 2, judiciary. February 5, passed.
308. Woolf. To suppress drunkenness in Marengo and Choctaw counties.  
November 30, read first. December 2, judiciary. February 7, tabled.
309. Nettles. To empower commissioners of Monroe county, to levy special tax.  
November 30, read first. December 2, read second, local legislation. December 10, amended, passed.
310. Clopton. Making appropriation for supreme court library.  
November 30, read first. December 2, read second, appropriations. December 2, passed. February 12, passed Senate. February 13, signed, approved.
311. Lee. To amend section 662 of Code.  
November 30, read first. December 2, read second, judiciary.
312. Martin. To amend section 5047 of the Code.  
November 30, read first. December 2, read second, fees salaries. February 3, passed. February 11, passed Senate. February 12, signed, approved.
313. Hutto. To pay J. B. Shield's \$68,60.  
November 30, read first. December 2, read second, appropriations.
314. Williams. To amend section 2681 of Code.  
November 30, read first. December 2, read second, judiciary.
315. Same. To amend section 2682 of Code.  
November 30, read first. December 2, read second, judiciary.
316. Smith of Autauga. To allow Daniel Bodeford of Autauga, to peddle, &c.  
December 2, read first. December 3, read second, local legislation. January 25, report favorably and



- recommitted to select committee. January 28, tabled.
317. Same. To establish a board of revenue for Autauga county.  
December 2, read first. December 3, read second, judiciary. January 16, passed. January 25, passed Senate. January 27, signed, approved.
  318. Massey. To amend section 499 of Code.  
December 2, read first. December 3, read second, local legislation. January 23, passed. January 30, Senate amends. January 31, concurred in. February 1, signed. February 3, approved.
  319. Cooper. To enable tax assessor of Bibb county, to more fully assess, &c.  
December 2, read first. December 3, read second, ways and means.
  320. Hughes. To amend section 4405 of Code.  
December 2, read first. December 3, read second, judiciary.
  321. Sheid. To incorporate town of Davisville.  
December 2, read first. December 3, read second, corporations.
  322. Griggs. To repeal section 75 of Code, as to Chambers county.  
December 2, read first. December 3, read second, judiciary.
  323. Lawrence. To amend section 5049 of Code.  
December 2, read first. December 3, read second, fees and salaries.
  324. Taylor of Choctaw. To regulate license tax on sewing machine companies.  
December 2, read first. December 3, read second, ways and means.
  325. Same. To amend section 4202 of Code.  
December 2, read first. December 3, read second, judiciary. February 7, passed.
  326. Rushing. To amend section 399 of Code.  
December 2, read first. December 3, read second, ways and means. December 5, passed. December 6, reconsidered, recommitted. January 21, passed. February 12, passed Senate. February 13, signed, approved.
  327. Riley. To provide for election of county superintendent of education, in Covington county.

- December 2, read first. December 3, read second, education.
328. Same. To repeal article 2, chapter 1, title 6, part 1, of Code.  
December 2, read first. December 3, read second, withdrawn.
329. Boykin. For relief of the University of Alabama.  
December 2, read first. December 3, read second, education.
330. McIlwain. To compel railroads to open natural drains, &c.  
December 2, read first. December 3, read second, agricultural and commerce.
331. Saunders of Lamar. For relief of L. M. Wofford.  
December 2, read first. December 3, read second, accounts and claims.
332. Boger. To repeal article 2, chapter 1, title 6, part 1, of Code.  
December 2, read first. December 3, read second, local legislation.
333. Smith of Lowndes. To abolish office of county treasurer, of Lowndes county.  
December 2, read first. December 3, read second, local legislation. January 25, passed. February 11, passed Senate. February 12, signed, approved.
334. Betts. For relief of certain tax collectors.  
December 2, read first. December 3, read second, ways and means. December 5, passed.
335. Woolf. To prevent employment of minors by retail liquor dealers.  
December 2, read first. December 3, read second, temperance. December 9, adverse, recommitted.
336. Muldon. To amend section 1617 of Code.  
December 2, read first. December 3, read second, judiciary. February 7, passed. February 11, passed Senate. February 12, signed, approved.
337. To increase criminal jurisdiction of justices in Perry and other counties.  
December 2, read first. December 3, read second, judiciary. February 7, passed.
333. Ash. To amend section 1671 of Code.  
December 2, read first. December 3, read second, public roads and highways. January 29, passed.
339. Cochrane. To punish the attempt to commit arson.

- December 2, read first. December 3, read second, judiciary.
340. Stribling. To regulate election of commissioners for Washington county.  
December 2, read first. December 3, read second, local legislation. December 6, passed. January 24, Senate amends. January 25, concurred in. January 28, signed. January 30, approved.
341. Foster of Barbour. To amend section 1817 of Code. December 3, read first. December 4, read second, corporations. January 23, passed. February 11, Senate amends. February 12, concurred in, signed, approved.
342. Davis. To amend section 4205 of Code. December 3, read first. December 4, read second, temperance. February 10, adverse, tabled.
343. Pitts. To repeal liquor law for Harmony church, Shelby county.  
December 3, read first. December 4, read second, temperance.
344. Taylor of Choctaw. To prescribe terms for sale of liquors.  
December 3, read first. December 4, read second, judiciary. December 5, to temperance.
345. Davidson. To establish a new charter for Cullman. December 3, read first. December 4, read second, corporations. January 23, amended. January 25, passed. February 5, passed Senate. February 7, signed, approved.
346. Register. To allow Hardy Cain and Joseph J. Boyt to peddle, &c.  
December 3, read first. December 4, read second, local legislation. January 5, to select committee. January 28, tabled.
347. Walker. To authorize county superintendents to disburse certain poll tax.  
December 3, read first. December 4, read second, education. December 5, passed. December 9, passed Senate. December 10, signed, approved.
348. Williams. Liquor prohibition for west side of Wetumpka.  
December 3, read first. December 4, read second, temperance. December 9, passed. January 20, passed Senate. January 21, signed. January 22, approved.

349. Williams. For relief of S. W. House.  
December 3, read first. December 4, read second,  
ways and means. February 10, passed.
350. Willett. Liquor prohibition, Emory chapel, Pickens  
county.  
December 3, read first. December 4, read second,  
temperance. February 5, passed.
351. Davidson. To establish chancery court for Cullman.  
December 3, read first. December 4, read second,  
judiciary. January 21, passed. February 11, passed  
Senate. February 12, signed, approved.
352. Foshee. To regulate issuance of marriage licenses, &c.  
December 3, read first. December 4, read second,  
judiciary.
353. Taylor of Choctaw. To amend section 2675 of Code.  
December 3, read first. December 4, read second,  
judiciary.
354. Kennedy. To change line between Clay and Talla-  
poosa counties.  
December 3, read first. December 4, read second,  
counties and county boundaries.
355. Steele. To fix time of holding circuit court of Colbert  
county.  
December 3, read first. December 4, read second,  
judiciary.
356. Same. To amend subdivision eight of section 358 of  
Code.  
December 3, read first. December 4, read second,  
ways and means. January 22, report substitute.  
January 25, special committee. February 1, made  
special order. February 4, recommitted to select  
committee. February 5, substitute adopted and  
passed.
357. Patton. To amend section 4199 of Code.  
December 3, read first. December 4, read second,  
judiciary.
358. Waller. To amend section 4443 of Code.  
December 3, read first. December 4, read second,  
judiciary.
359. Davis. To adopt majority vote in caucus.  
December 3, read and tabled.
360. Betts. To fix term and reduce pay of assessors and  
collectors after 1880.  
December 3, read first. December 4, read second,  
ways and means.

361. Betts. To define responsibilities of parties purchasing farm produce.  
December 3, read first. December 4, read second, judiciary. February 10, passed.
362. Woolf. To change line between Hale and Marengo.  
December 3, read first. November 4, read second, counties and county boundaries.
363. Critcher. To enlarge jurisdiction of magistrates in Marshall county. December 3, read first. December 4, withdrawn.
364. Same. To extend the jurisdiction of magistrates in Marshall county.  
December 3, read first. December 4, read second, judiciary.
365. Clarke of Mobile. To declare rule of evidence in detinue and trover for seed cotton.  
December 3, read first. December 4, read second, judiciary.
366. Lawrence. Liquor prohibition, Carmel church, Cherokee county.  
December 5, read first. December 6, read second, temperance. February 5, passed. February 13, passed Senate, signed, approved.
367. Lawrence. To amend section 5027 Code.  
December 5, read first. December 6, read second, fees and salaries.
368. Same. To amend section 5032 of Code.  
December 5, read first. December 6, read second, fees and salaries.
369. Foshee. To ratify an agreement between William Lee and J. O. Smith.  
December 5, read first. December 6, read second, education. January 22, passed. February 4, passed Senate, signed. February 5, approved.
370. Taylor of Choctaw. To amend sections 580 and 668 of Code.  
December 5, read first. December 6, read second, fees and salaries. January 27, report substitute. January 30, special order for 4th February.
371. Same. To amend section 615 of Code.  
December 5, read first. December 6, read second, fees and salaries. January 27, report a substitute. January 30, special order 4th February.
372. Rushing. To repeal act restraining powers of commissioners' court of Coffee county.

- December 5, read first. December 6, read second, local legislation. January 25, passed. February 5, passed Senate. February 6, signed. February 7, approved.
373. Riley. Relief of J. D. Hudson, doorkeeper.  
December 5, read first. December 6, read second, appropriations. December 7, passed. February 10, Senate amends. February 11, concurred in. February 12, signed, approved.
374. Lyons. To require the auditor to pay over to the counties their proportion of taxes from lands transferred, &c.  
December 5, read first. December 6, read second, ways and means. January 22, passed. January 30, passed Senate. January 31, signed. February 3, governor vetoes. February 4, passed over veto. February 10, Senate sustains veto.
375. Lowther. Liquor prohibition, Antioch, Lee county.  
December 5, read first. December 6, read second, temperance. February 5, passed.
376. Fletcher. To amend act to regulate trial of misdemeanors in Madison county.  
December 5, read first. December 6, read second, judiciary. February 7, passed. February 13, signed, approved.
377. Betts. To reduce fees and fix the pay of probate judge of Madison county.  
December 5, read first. December 6, read second, fees and salaries.
378. Bradford. To amend section 439 of Code.  
December 5, read first. December 6, read second, ways and means. February 10, passed. February 12, passed Senate, signed, approved.
379. Same. To amend section 363 of Code.  
December 5, read first. December 6, read second, ways and means.
380. Critbher. To authorize governor to appoint a county solicitor for Marshall county.  
December 5, read first. December 6, read second, judiciary. February 10, passed.
381. McCarron. To amend section 4628 of Code.  
December 5, read first. December 6, read second, judiciary.
382. Clark of Mobile. To pay J. D. Burnett.

- December 5, read first. December 6, read second, appropriations. January 31, report adverse.
383. Muldon. To provide for official stenographers.  
December 5, read first. December 6, read second, judiciary. February 7, lost. February 8, reconsidered, amended and passed. February 12, passed Senate, signed, approved.
384. Jolley. To regulate fees of justices and constables in Mobile county.  
December 5, read first. December 6, read second, fees and salaries.
385. Hearn. To repeal local or special road laws for Randolph county.  
December 5, read first. December 6, read second, public roads and highways. January 29, passed.
386. Pitts. To authorize survey of line between Jefferson and Shelby.  
December 5, read first. December 6, read second, local legislation.
387. Dawson. To repeal the act to regulate pay of commissioners of Tallapoosa.  
December 5, read first. December 6, read second, fees and salaries. February 3, passed. February 11, passed Senate. February 12, signed, approved.
388. Stribling. To amend part 2, section 757 of Code.  
December 5, read first. December 6, read second, judiciary.
389. Same. To amend part 4, section 457 of Code.  
December 5, read first. December 6, read second, judiciary.
390. Culver. To repeal subdivision 8, section 258 of Code.  
December 5, read first. December 6, read second, ways and means.
391. Molett. To repeal liquor law of Orrville, Dallas county.  
December 5, read first. December 6, read second, temperance.
392. For relief of Baldwin county.  
December 5, read first. December 6, read second, ways and means.
393. Sharpe. To extend time for enforcing collection of certain taxes.  
December 6, read first. December 7, read second, ways and means.
394. Woolf. To amend section 4080 and 4081 of Code.

- December 6, read first. December 7, read second, judiciary.
395. Williams. To pay N. J. & C. G. Sanford.  
December 6, read first. December 7, read second, ways and means. January 18, to accounts and claims. January 27, passed. February 3, passed Senate. February 4, signed, approved.
396. Taylor of Choctaw. To regulate sale, &c., of swamp lands.  
December 6, read first. December 7, read second, committee on swamp lands. February 5, report a substitute. February 6, amended and passed. February 11, passed Senate. February 12, signed, approved.
397. Bradford. To amend section 376 of Code.  
December 6, read first. December 7, read second, ways and means. January 21, passed.
398. Taylor of Choctaw. Repeal liquor law of Mount Sterling, Choctaw county.  
December 6, read first. December 7, read second, temperance. February 5, passed.
399. To regulate weighing, &c., of cotton in Montgomery county.  
December 6, read first. December 7, read second, local legislation. January 23, amended. January 24, reconsidered. January 25, special order. January 29, postponed till to-morrow. January 29, substitute adopted and passed. February 7, Senate amends. February 11, concurred in. February 12, signed, approved.
400. Culver. To amend section 4769 of Code.  
December 6, read first. December 7, read second, judiciary.
401. Hearn. To amends sections 3677 and 3680 of Code.  
December 6, read first. December 7, read second, judiciary.
402. Williams. To amend section 1 of an act to define corporate limits of Wetumpka.  
December 6, read first. December 7, read second, corporations.
403. Ramsey. To protect the travelling public.  
December 6, read first. December 7, read second, ways and means.
404. Same. To require tax collector of Sumter to receive registered claims in payment of county taxes.



- December 6, read first. December 7, read second, local legislation. January 25, passed.
405. Same. To repeal act to regulate letting of contracts, &c., in Sumter.  
December 6, read first. December 7, read second, local legislation. January 23, passed. February 3, passed Senate. February 4, signed, approved.
406. Stribling. In relation to railroads fencing their roads in Washington county.  
December 6, read first. December 7, read second, corporations. December 10, amended. January 23, special order for to-morrow. January 24, amended.
407. Riley. To repeal act to regulate levy of special taxes by Covington county.  
December 6, read first. December 7, read second, local legislation.
408. Foshee. To enable S. C. Henry to peddle.  
December 6, read first. December 7, read second, local legislation.
409. Foster of Barbour. To amend section 2293 of Code.  
December 6, read first. December 7, read second, judiciary.
410. McCane. Joint memorial on militia and cadets to U. S. Academy.  
December 6, to military.
411. Akers of Jefferson. For safety of coal miners, &c.  
December 7, read first. December 9, read second, judiciary.
412. Smith of Autauga. To amend charter of Ivey Creek Academy.  
December 7, read first. December 9, read second, local legislation. January 25, passed. February 1, passed Senate. February 3, signed. February 4, approved.
413. Foster of Barbour. To regulate fees of constables.  
December 7, read first. December 9, read second, fees and salaries.
414. Lyons. For preservation of birds, &c., in Escambia.  
December 7, read first. December 9, read second, game laws. January 31, passed.
415. Lyons. To amend section 2 of an act to consolidate offices of clerk and assessor of Escambia.  
December 7, read first. December 9, read second, fees and salaries. February 10, passed.

416. Akers of Jefferson. To provide for conveyance of convicts to the penitentiary.  
December 2, read first. December 9, read second, to penitentiary. January 29, substitute passed. February 6, passed Senate. February 7, signed, approved.
417. Betts. To reduce fees of chancery court of Madison. December 7 read first. December 9, read second, fees and salaries.
418. Same. For relief of J. K. McBride.  
December 7, read first. December 9, read second, ways and means. February 10, passed. February 12, passed Senate. February 13, signed, approved.
419. Muldon. To authorize redemption of lands sold for taxes and purchased by the State.  
December 7, read first. December 9, read second, ways and means. January 16, 150 copies ordered printed. January 23, clerical corrections made. February 6, special order for to-morrow. February 7, to select committee. February 8, substitute passed. February 12, amended by Senate, concurred in, signed, approved.
420. Clopton. To authorize reporter of supreme court to employ assistants.  
December 7, read first. December 9, read second, judiciary.
421. Sharpe. To amend section 1 of act forming county of Cullman.  
December 7, read first. December 9, read second, counties and county boundaries. January 27, passed. February 13, Senate amends, concurred in, signed, approved.
422. Fuller. For relief of certain tax payers.  
December 7, read first. December 9, read second, judiciary. January 25, to ways and means.
423. Huey. To authorize Normal school at Marion to use certain funds.  
December 7, read first. December 9, read second, education. January 21, passed. February 4, passed Senate. February 5, signed, approved.
424. Willett. Joint resolution in regard to aid to Pacific railroad.  
December 7, tabled. December 9, taken from table and referred to federal relations. January 27, report substitute. January 31, referred to federal relations.

425. Barnett. To repeal act to repeal all laws for collection of special taxes for bridges in Pike.  
December 7, read first. December 9, read second, local legislation.
426. Hearn. For relief of H. R. D. Treadwell.  
December 7, read first. December 9, withdrawn.
427. Campbell. Relief of John P. Timberlake, and others.  
December 7, read first. December 9, read second, appropriations. January 30, passed. February 12, passed Senate. February 13, signed, approved.
428. Taylor of Choctaw. To prevent camp-hunting in Choctaw.  
December 7, read first. December 9, read second, game laws.
429. Sheid. To fix time when scholastic year begins.  
December 9, read first. December 10, read second, education.
430. Same. For relief of widows, &c.  
December 9, read first. December 10, read second, local legislation.
431. McDougald. To repeal act named, as to Russell county.  
December 9, read first. December 10, read second, fees and salaries. February 10, passed.
432. Lawson. To amend section 276 of Code.  
December 9, read first. December 10, read second, privileges and elections. January 27, passed, January 28, reconsidered and passed. February 7, passed Senate. February 8, signed. February 10, approved.
433. Same. To amend section 274 of Code.  
December 9, read first. December 10, read second, privileges and elections. January 27, passed. February 10, Senate amends. February 11, concurred in. February 12, signed, approved.
434. Kirkpatrick. To provide for better working of roads in Montgomery county.  
December 9, read first. December 10, read second, public roads and highways. January 29, passed.
435. Muldon. To prevent catching of oysters by non-residents.  
December 9, read first. December 10, read second, agriculture and commerce. January 31, passed.
- 435½ (436). Ash. Joint memorial on donating lands for education.

- December 9, adopted. January 23, Senate adopts.  
January 24, signed. January 25, approved.
437. Armstrong. For relief of Caleb N. Williams.  
December 9, read first. December 10, read second,  
appropriations. January 30, report a substitute.  
January 31, withdrawn.
438. Stribling. To authorize an election for changing  
county seat of Washington.  
December 9, read first. December 10, read second,  
local legislation. January 23, passed. February 5,  
Senate amends. February 5, House concurs. Feb-  
ruary 7, signed, approved.
439. Williams. To provide a fund for benefit of supreme  
court.  
December 9, read first. December 10, read second,  
appropriations. January 30, passed.
440. Nicholson. To repeal liquor law, as to Stacey's  
store.  
December 9, read first. December 10, read second,  
temperance.
441. Davidson. To authorize people of Blount county to  
vote on removing county seat.  
December 10, read first. January 15, withdrawn.
442. Same. To amend section 413 of Code.  
December 10, read first. January 15, read second,  
ways and means. January 22, passed. January 23,  
reconsidered, recommitted. February 5, substitute  
passed.
- 439½. Armstrong. Liquor prohibition, Mount Zion Meth-  
odist church, Chambers county.  
January 15, read first. January 16, read second,  
temperance.
- 440½. Winn. To amend section 494 of Code.  
January 15, read first. January 16, read second,  
ways and means.
- 441½. Walker. Requiring certain offices declared vacant,  
&c.  
January 15, read first. January 16, read second,  
judiciary. January 18, substitute passed. January  
28, Senate amends, concurred in. January 29,  
signed. January 30, approved.
- 442½. Akers of Jefferson. To authorize Pierce coal mines  
to issue change tickets.  
January 15, read first. January 16, read second,  
local legislation.

443. Davis. To incorporate Athens male institute.  
January 15, read first. January 16, read second,  
corporations.
444. Boger. To amend act for publication of the Code.  
January 15, read first. January 16, read second,  
appropriations.
445. Haigler. To regulate registration of claims against  
fine and forfeiture fund.  
January 15, read first. January 16, read second,  
accounts and claims. January 27, passed.
446. Same. To repeal certain liquor laws, as to Lowndes  
county.  
January 15, read first. January 16, read second,  
temperance.
447. Foster of Macon. To require interest on State obli-  
gations to be paid at the office of the treasurer.  
January 15, read first. January 16, read second,  
ways and means. February 10, substitute passed.
448. Same. To organize a board of immigration.  
January 15, read first. January 16, read second,  
joint committee on immigration. February 1, re-  
port substitute. February 11, tabled.
449. Same. To preserve and continue liens against prop-  
erty of deceased persons.  
January 15, read first. January 16, read second,  
judiciary.
450. Same. To remove disqualification of witnesses on ac-  
count of infamy.  
January 15, read first. January 16, read second,  
judiciary.
451. Same. To secure attendance of county convicts as  
witnesses.  
January 15, read first. January 16, read second,  
judiciary.
452. Same. To prescribe mode of payment of fines and  
forfeitures in Macon county.  
January 15, read first. January 16, read second,  
judiciary.
453. Same. To empower town council of Tuskegee to  
control meat markets.  
January 15, read first. January 16, read second,  
local legislation.
454. Bradford. To repeal the act to regulate fees of con-  
stables in counties of Marengo and Dallas.

455. Kirkpatrick. Liquor prohibition as to Rocky Mount Methodist church, Crenshaw county.  
January 15, read first. January 16, read second, temperance.
456. Huey. To amend subdivision 3 of section 2551 of Code.  
January 15, read first. January 16, read second, judiciary.
457. Ash. To amend section 3467 of Code.  
January 15, read first. January 16, read second, judiciary.  
February, 7 passed. February 11, passed Senate, signed, approved.
458. For preservation of game in Talladega and Clay.  
January 15, read first. January 16, read second, game laws.
459. Stribling. To amend section 4182 of Code.  
January 15, read first. January 16, read second, judiciary.
460. Boger. Joint memorial on revenue laws.  
January 15, to federal relations. January 27, report substitute, adopted.
461. Massey. To amend act authorizing Barbour county to compromise with Vicksburg and Brunswick railroad company.  
January 16, read first. January 17, read second, ways and means. January 22, passed. February 1, passed Senate. February 3, signed. February 4, approved.
462. Hughes. To authorize county commissioners to fill office of coroner.  
January 16, read first. January 17, read second, judiciary. February 7, passed.
463. For the arrest of persons charged with larceny of certain animals.  
January 16, read first. January 17, read second, judiciary.
464. Armstrong. To amend section 3134 of Code.  
January 16, read first. January 17, read second, judiciary.
465. Foshee. For relief of J. N. Fox.  
January 16, read first. January 17, read second, ways and means.
466. Riley. To authorize construction of booms.

- January 16, read first. January 17, read second, agriculture and commerce. January 31, passed.
467. McIlwain. To secure prompt delivery of cotton by railroads.  
January 16, read first. January 17, read second, agriculture and commerce.
468. Waller. To confer additional jurisdiction upon county court of Hale.  
January 16, read first. January 17, read second, judiciary. February 7, passed. February 11, passed Senate. February 12, signed, approved.
469. Taylor of Lauderdale. To amend section 768 of Code.  
January 16, read first. January 17, read second, judiciary.
470. Same. To amend section 629 of Code.  
January 16, read first. January 17, read second, judiciary.
471. Same. To amend section 588 of Code.  
January 16, read first. January 17, read second, judiciary.
472. Davis. To amend section 12 of charter of Athens.  
January 16, read first. January 17, read second, corporations. January 23, passed. February 7, passed Senate. February 8, signed. February 10, approved.
473. Same. To amend section 2681 of Code.  
January 16, read first. January 17, read second, judiciary.
474. Same. To amend section 3181 of Code.  
January 16, read first. January 17, read second, judiciary.
475. Same. To amend section 4874 of Code.  
January 16, read first. January 17, read second, judiciary.
476. Same. To authorize Athens to collect a tax to build a school-house.  
January 16, read first. January 17, read second, education. January 31, substitute passed. February 13, passed Senate, signed, approved.
477. Boger. To amend section 358 of Code.  
January 16, read first. January 17, read second, ways and means.
478. Smith of Lowndes. To amend section 1473 of Code.

- January 16, read first. January 17, read second, ways and means.
479. Same. To amend section 1437 of Code.  
January 16, read first. January 17, read second, ways and means.
480. Betts. To amend section 421 of Code.  
January 16, read first. January 17, read second, ways and means.
481. Same. To amend section 414 of Code.  
January 16, read first. January 17, read second, ways and means.
482. Same. To repeal subdivision 14, section 83 of Code.  
January 16, read first. January 17, read second, ways and means.
483. Fletcher. To require affidavit of defense in certain cases.  
January 16, read first. January 17, read second, judiciary.
484. Woolf. To regulate jurisdiction of probate courts.  
January 16, read first. January 17, read second, judiciary. February 7, passed. February 11, Senate amends. February 12, concurred in. February 13, signed, approved.
485. Same. Defining certain credits to be allowed tax collectors.  
January 16, read first. January 17, read second, judiciary. February 8, passed.
486. Muldon. To define who are agents of insurance companies not incorporated by laws of this State, &c.  
January 16, read first. January 17, read second, ways and means. January 22, passed. February 11, Senate amends, concurred in. February 12, signed, approved.
487. Muldon. To authorize Stonewall Insurance Company to reduce capital stock.  
January 16, read first. January 17, read second, corporations. January 23, passed.
488. Sharpe. To amend charter of Hartsell.  
January 16, read first. January 17, read second, corporations. January 23, passed. January 31, passed Senate. February 1, signed. February 3, approved.
489. Huey. To amend subdivision K of section 5032 of Code.  
January 16, read first. January 17, read second,



- fees and salaries. February 3, passed. February 11, passed Senate. February 12, signed, approved.
490. Brooks. To amend subdivision 5 of section 845 of Code.  
January 16, read first. January 17, read second, public printing.
491. Lee. Liquor prohibition, Enon church, Pickens county.  
January 16, read first. January 17, read second, temperance. February 10, passed.
492. Willett. To amend section 4597 of Code.  
January 16, read first. January 17, read second, judiciary.
493. Same. For relief of J. N. Blanton.  
January 16, read first. January 17, read second, accounts and claims. January 27, passed. February 3, passed Senate. February 4, signed, approved.
494. Same. Liquor prohibition, Unity camp ground.  
January 16, read first. January 17, read second, temperance. February 7, passed.
495. Relief of Noah Corley.  
January 16, read first. January 17, read second, local legislation.
496. Pitts. To regulate weighing, &c., of cotton.  
January 16, read first. January 17, read second, agriculture and commerce. January 31, substitute adopted, recommitted.
497. Pitts. To change time of holding chancery court of Shelby.  
January 16, read first. January 17, read second, judiciary. January 18, passed. February 3, signed. February 4, approved.
498. Bowdon. To authorize Talladega to license livery stables.  
January 16, read first. January 17, read second, local legislation. January 23, passed. January 31, passed Senate. February 1, signed. February 3, approved.
499. Dark. For relief of R. I. Sewell.  
January 16, read first. January 18, read second, local legislation.
500. Purifoy. To make fees of officers in Wilcox county receivable in certain cases in payment of debts.  
January 18, read first. January 19, read second,

- local legislation. January 25, passed. February 11, passed Senate. February 12, signed, approved.
501. Waller. To amend section 411 of Code.  
January 16, read first. January 18, read second, ways and means.
  502. Same. To amend section 409 of Code.  
January 16, read first. January 18, read second, ways and means.
  503. Hand. To prevent depredation by stock in portion of Greene.  
January 16, read first. January 18, read second, agriculture and commerce.
  504. Fletcher. To incorporate Alabama Orphan School at Mountain Home.  
January 16, read first. January 18, read second, education. January 23, passed. January 31, passed Senate. February 1, signed. February 3, approved.
  505. Nettles. Liquor prohibition, Astbury camp ground.  
January 16, read first. January 18, read second, temperance.
  506. Lawson. To amend section 2262 of Code.  
January 16, read first. January 18, read second, judiciary.
  507. Lawson. To prevent injurious delays in the administration of justice.  
January 16, read first. January 18, read second, judiciary.
  508. Same. To prohibit sale of liquors in Montgomery county, outside of incorporated cities and towns.  
January 16, read first. January 18, read second, temperance. February 5, favorable, indefinitely postponed.
  509. Huey. For relief of Mrs. M. A. Johnson.  
January 17, read first. January 18, read second, education. January 21, passed. February 1, passed Senate. February 3, signed. February 4, approved.
  510. McIlwain. To amend charter of Selma.  
January 17, read first. January 18, read second, corporations. February 7, passed. February 12, passed Senate, House concurs, signed, approved.
  511. Molett. To prescribe mode of collecting taxes of Dallas county.

- January 17, read first. January 18, read second, ways and means.
512. Sheid. To authorize sureties on official and other bonds to waive exemption.  
January 17, read first. January 18, read second, judiciary.
513. Sheid. To change boundary line between Cleburne and Calhoun.  
January 17, read first. January 18, read second, counties and county boundaries. January 29, adverse.
514. Kennedy. To amend section 1821 of Code.  
January 17, read first. January 18, read second, corporations.
515. Foster of Barbour. For relief of Perdido Bay Lumber Company.  
January 17, read first. January 18, read second, select committee. January 30, favorable. February 5, special order for to-morrow. February 6, amended and passed. February 11, passed Senate. February 12, signed, approved.
516. Foster of Barbour. To amend subdivision 1, section 3820 of Code.  
January 17, read first. January 18, read second, judiciary.
517. Ash. To provide for county prosecuting attorneys.  
January 17, read first. January 18, read second, judiciary.
518. Ash. To extend time for redemption of lands sold for taxes, 1869.  
January 17, read first. January 18, read second, ways and means.
519. Ash. To provide for transfer of change of venue, etc.  
January 17, read first. January 18, read second, judiciary.
520. Rushing. To change boundary line between Coffee and Crenshaw.  
January 17, read first. January 18, read second, counties and county boundaries.
521. Rushing. To repeal liquor law, Haw Ridge Academy.  
January 17, read first. January 18, read second, temperance. February 5, passed.
522. Woolf. To repeal the act to consolidate fund of fines and forfeitures and general fund of Marengo county.

- January 17, read first. January 18, read second, judiciary. February 7, passed.
523. Waller. To protect persons who have given mortgage on crop, etc.  
January 17, read first. January 18, read second, judiciary.
524. Pitts. Relief of Manning C. Spradley.  
January 17, read first. January 18, read second, local legislation.
525. Fletcher. To authorize the erection of gates across public roads.  
January 17, read first. January 18, read second, public roads and highways.
526. Willett. To provide for the valuation and assessment of railroads.  
January 18, read first. January 20, read second, ways and means.
527. Boger. For relief of Samuel W. Wallace.  
January 18, read first. January 20, read second, appropriations. January 23, to accounts and claims.
528. Clark of Mobile. To amend section 5029 of Code.  
January 18, read first. January 20, read second, fees and salaries. February 10, passed.
529. Smith of Mobile. To amend section 3289 of Code.  
January 18, read first. January 20, read second, judiciary.
530. Fuller. To protect the rights of certain persons.  
January 18, read first. January 20, read second, judiciary.
531. Walker. Imposing a tax on liquors, etc.  
January 18, read first. January 20, read second, to select committee.
532. Akers of Jefferson. Requiring court of county commissioners to perform certain duties.  
January 18, read first. January 20, read second, ways and means.
533. Same. Requiring tax collectors to make settlements with commissioners court.  
January 18, read first. January 20, read second, ways and means.
534. Jolley. Requiring fines and forfeitures in Mobile county to be paid in currency.  
January 18, read first. January 20, read second, judiciary. February 10, passed.
535. Same. To exempt certain property from taxation.

- January 18, read first. January 20, read second, ways and means.
536. Hughes. To limit spring and summer terms of circuit court of Butler.  
January 18, read first. January 20, read second, local legislation. February 7, passed.
537. Huey. To continue in force an act to incorporate the Perry Insurance and Trust Company.  
January 18, read first. January 20, read second, corporations.
538. James. For the better enforcement of contracts.  
January 18, read first. January 20, read second, agriculture and commerce. February 4, laid on the table.
539. Betts. To require tax collectors to assess and collect taxes upon certain property.  
January 18, read first. January 20, read second, ways and means.
540. Williams. For relief of John R. Brooks.  
January 18, read first. January 20, read second, temperance.
541. Williams. To amend section 1 of an act to define limits of Wetumpka.  
January 18, read first. January 20, read second, corporations. January 21, passed. January 28, passed Senate. January 29, signed. January 30, approved.
542. Willett. For relief of Mrs. L. L. Coleman.  
January 18, read first. January 20, read second, education.
543. Same. For relief of Terrell Stringfellow.  
January 18, read first. January 20, read second ways and means.
544. Lee. To authorize constables to levy attachments in certain cases.  
January 18, read first. January 20, read second, judiciary.
545. Hearn. For relief of Henry R. D. Treadwell, of Randolph.  
January 18, read first. January 20, read second, privileges and elections. January 27, favorable, postponed.
546. Armstrong. For relief of Leroy Howell.  
January 18, read first. January 20, read second, ways and means.

547. Steele. Liquor prohibition of Spring Creek, Colbert county.  
January 18, read first. January 20, read second, temperance.
548. Steele. For relief of Thomas S. Hall.  
January 18, read first. January 20, read second, ways and means.
549. Evans. For better protection of cemeteries.  
January 18, read first. January 20, read second, ways and means.
550. Taylor of Choctaw. To amend section 611 of Code.  
January 18, read first. January 20, read second, judiciary. February 7, passed.
551. Bradford. For protection of game, &c., in certain counties.  
January 18, read first. January 20, read second, game laws. January 24, amended. January 25, passed. February 13, Senate amends, concurred in, signed, approved.
552. Bradford. To repeal act for preservation of game, &c.  
January 18, read first. January 20, read second, game laws. January 24, passed.
553. Riley. For relief of S. A. Dauphin.  
January 18, read first. January 20, read second, local legislation. January 25, passed. February 1, passed Senate. February 3, signed. February 4, approved.
554. Cochrane. The better to protect certain landlords.  
January 18, read first. January 20, read second, judiciary. January 27, tabled.
555. Dolive. For relief of David A. Moniac.  
January 20, read first. January 21, read second, local legislation. January 23, to appropriations. February 7, passed. February 13, signed, approved.
556. Same. To prohibit hunting on Sunday in Baldwin county.  
January 20, read first. January 21, read second, local legislation.
557. Same. To amend section 450 of Code.  
January 20, read first. January 21, read second, judiciary.
558. Foster of Barbour. To secure the return to the State of certain Alabama Reports.  
January 20, read first. January 21, read second, judiciary.

559. Same. For relief of William A. Hudson.  
January 20, read first. January 21, read second, appropriations.
560. Same. To amend charter of Clayton.  
January 20, read first. January 21, read second, corporations. February 7, passed. February 13, passed Senate, signed, approved.
561. Taylor of Choctaw. To provide pay for certain witnesses.  
January 20, read first. January 21, read second, judiciary.
562. Same. To amend section 2711 of Code.  
January 20, read first. January 21, read second, judiciary.
563. Winn. To require voters to exhibit tax receipts.  
January 20, read first. January 21, read second, privileges and elections.
564. Winn. To reduce rate of taxation.  
January 20, read first. January 21, read second, ways and means. February 3, amended. February 4, passed, title amended. February 12, Senate amends, House non-concurs, committee of conference raised. February 13, Senate refuses to adopt report, second committee of conference raised, report adopt, signed, approved.
565. Kennedy. To incorporate Ragan's Chapel.  
January 20, read first. January 21, read second, temperance.
566. Thompson. For relief of Thomas Pinson and others.  
January 20, read first. January 21, read second, appropriations. January 30, passed.
567. Bailey. Liquor prohibition of Echo, Dale county.  
January 20, read first. January 21, read second, temperance. February 5, passed.
568. Boykin. To provide for adjustment of certain bonds of Dallas county.  
January 20, read first. January 21, read second, local legislation. January 25, passed. February 5, passed Senate. February 6, signed. February 7, approved.
569. Molett. To incorporate West Dallas Agricultural and Mechanical Association.  
January 20, read first. January 21, read second, corporations. February 10, passed.

570. McIlwain. Liquor prohibition, Adams' Grove Church, Dallas county.  
January 20, read first. January 21, read second, temperance. February 5, report favorable, postponed. February 7, passed.
571. Jack. To regulate marriage fees.  
January 20, read first. January 21, read second, fees and salaries.
572. Same. To amend section 4860 of Code.  
January 20, read first. January 21, read second, judiciary.
573. Lyons. To amend subdivision 21, section 494 of Code.  
January 20, read first. January 21, read second, ways and means.
574. Reynolds. For protection of agricultural laborers.  
January 20, read first. January 21, read second, agriculture and commerce.
575. Same. To amend section 4170 of Code.  
January 20, read first. January 21, read second, judiciary.
576. Same. To require registration of title deeds.  
January 20, read first. January 21, read second, judiciary.
577. Waller. To require sheriffs to keep a record of prisoners.  
January 20, read first. January 21, read second, judiciary.
578. Same. To regulate payment of officers' fees, &c.  
January 20, read first. January 21, read second, judiciary.
579. Campbell. To repeal the liquor law of Larkinsville, Jackson county.  
January 20, read first. January 21, read second, temperance. February 7, passed. February 13, passed Senate, signed, approved.
580. Evans. To maintain justice between debtor and creditor.  
January 20, read first. January 21, read second, judiciary.
581. Akers of Jefferson. To amend section 3473 of Code.  
January 20, read first. January 21, read second, judiciary.
582. Same. Imposing a tax on sale of liquors, &c.



- January 20, read first. January 21, read second, to select committee.
- 582½. Foster of Barbour. To amend section 4370 of Code. January 20, read first. January 21, read second, judiciary.
583. Taylor of Lauderdale. To amend section 1632 of Code. January 20, read first. January 21, read second, public roads and highways.
584. Same. To amend section 2166 of Code. January 20, read first. January 21, read second, judiciary.
585. Same. To amend sections 1947, 1952, &c., and to repeal sections 1984 and 1985 of Code. January 20, read first. January 21, read second, ways and means. February 5, substitute passed. February 11, passed Senate. February 12, signed, approved.
586. Lowther. To amend section 499 of Code. January 20, read first. January 21, read second, corporations.
587. Fletcher. To authorize appointment of reporters in certain cases. January 20, read first. January 21, read second, judiciary.
588. Woolf. To regulate ex-officio pay of probate judges, &c. January 20, read first. January 21, read second, judiciary.
589. Critcher. To authorize establishment of a Normal school at Warrenton. January 20, read first. January 21, read second, judiciary.
590. Same. To amend the act approved March 19, 1875, so far as same relates to Marshall county. January 20, read first. January 21, read second, local legislation. February 5, to temperance.
591. Jolley. Providing for a county solicitor for Mobile county. January 20, read first. January 21, read second, local legislation. January 25, passed. February 7, amended and passed Senate, concurred in. February 8, signed. February 10, approved.
592. Clark of Mobile. For relief of C. E. Thames & Co. January 20, read first. January 21, read second,

- accounts and claims. February 10, passed. February 12, passed Senate. February 13, signed, approved.
593. Smith of Mobile. To amend section 3025 of Code. January 20, read first. January 21, read second, judiciary.
594. Same. Regulating distribution of fees of wardens of port of Mobile. January 20, read first. January 21, read second, local legislation. January 30, to agriculture and commerce. February 10, passed.
595. Clopton. To cede to United States a certain lot of land in Montgomery. January 20, read first. January 21, read second, judiciary. February 7, passed.
596. Same. To refund excess of license paid. January 20, read first. January 21, read second, ways and means. February 10, passed. February 13, passed Senate, signed.
597. Same. To authorize governor to compromise certain claims. January 20, read first. January 21, read second, judiciary.
598. Lawson. To encourage the building of a canal at Muscle shoals. January 20, read first. January 21, read second, federal relations.
599. Smith of Mobile. To regulate the handling, &c., of cotton in Mobile. January 20, read first. January 21, read second, agriculture and commerce. February 3, passed. February 13, passed Senate, signed, approved.
600. Lawson. To fix salary of judge of city court of Montgomery. January 20, read first. January 21, read second, fees and salaries. February 3, passed.
601. Sharpe. To incorporate town of Falkville. January 20, read first. January 21, read second, corporations. February 8, passed.
602. Sharpe. To prescribe additional duties for solicitors. January 20, read first. January 21, read second, judiciary.
603. Barnett. For relief of E. T. Crittenden. January 20, read first. January 21, read second, local legislation.

604. Pitts. To provide for separate school district at Helena.  
January 20, read first. January 21, read second, education. February 10, passed.
605. McDougald. To repeal prohibitory liquor law, as to Greenville academy, Russell county.  
January 20, read first. January 21, read second, temperance. February 5, adverse.
606. Ash. To amend section 2678 of Code.  
January 20, read first. January 21, read second, judiciary.
607. Same. To amend section 2681 of the Code.  
January 20, read first. January 21, read second, judiciary.
608. Ramsey. To amend subdivision 12, of section 494 of Code.  
January 20, read first. January 21, read second, ways and means.
609. Heacock. To reduce compensation of assessors and collectors.  
January 20, read first. January 21, read second, ways and means.
610. Pearson. To regulate the form of indictments.  
January 20, read first. January 21, read second, judiciary.
611. Cochrane. To establish Warrior agricultural district.  
January 20, read first. January 21, read second, agriculture and commerce. February 3, passed. February 11, passed Senate. February 12, signed, approved.
612. Cochrane. To provide for the change, &c., of election precincts.  
January 20, read first. January 21, read second, judiciary.
613. Same. To regulate the fees of solicitors payable out of fines and forfeitures.  
January 20, read first. January 21, read second, judiciary.
614. Stribling. To authorize W. B. Ramsower to peddle, &c.  
January 20, read first. January 20, read second, local legislation.
615. Purifoy. To amend section 368 of Code.

- January 20, read first. January 21, read second, ways and means.
616. Steele. To consolidate certain funds of Colbert county.  
January 20, read first. January 21, read second, ways and means.
617. Clopton. For relief of W. R. Adams.  
January 20, read first. January 21, read second, local legislation.
618. Foster of Barbour. Regulating circuit courts of Barbour.  
January 21, read first. January 22, read second, to select committee. January 23, passed. February 7, Senate amends. February 7, concurred in. February 12, signed, approved.
619. Same. To regulate recording of conveyances in Barbour.  
January 21, read first. January 22, read second, to select committee. January 23, passed. February 7, amend by Senate. February 11, concurred in. February 12, signed, approved.
620. Martin. To amend the act creating a board of finance for Russell.  
January 21, read first. January 22, read second, fees and salaries. February 3, passed. February 12, passed Senate. February 13, signed, approved.
621. Bradford. Joint resolution in regard to distilled fruit.  
January 21, adopted.
622. Bowdon. To require security for costs in certain suits.  
January 22, read first. January 23, read second, judiciary.
623. Smith of Autauga. To abolish court of county commissioners of Autauga.  
January 22, read first. January 23, read second, judiciary. February 7, passed. February 10, passed Senate. February 11, signed, approved.
624. Same. To amend subdivision 1, section 494 of Code.  
January 22, read first. January 23, read second, ways and means.
625. Massey. To establish separate school district at Clayton.  
January 22, read first. January 23, read second, education. February 10, passed.

626. Sheid. To amend liquor prohibitory law of Sulphur Springs church, &c.  
January 22, read first. January 23, read second, temperance.
627. Same. For relief of Thomas Kelly and John Archer.  
January 22, read first. January 23, read second, local legislation.
628. Lawrence. Liquor prohibition at Centre, Cherokee county.  
January 22, read first. January 23, read second, temperance.
629. Kennedy. To amend section 4199 of Code.  
January 22, read first. January 23, read second, judiciary.
630. Alexander. To consolidate certain townships.  
January 22, read first. January 23, read second, education.
631. Steele. To authorize A. J. Wayne to peddle, &c.  
January 22, read first. January 23, read second, ways and means.
632. Boykin. To amend sections 1415 and 1417 of Code.  
January 22, read first. January 23, read second, agricultural and commerce. February 3, passed.
633. Jack. For relief of tax payers of Franklin county.  
January 22, read first. January 23, read second, ways and means.
634. Same. To amend section 2681 of Code.  
January 22, read first. January 23, read second, judiciary.
635. Same. To amend section 2825 of Code.  
January 22, read first. January 23, read second, judiciary.
636. Register. To require circuit judges to appoint commissioners to examine certain offices, &c.  
January 22, read first. January 23, read second, judiciary.
637. Walker. January 22, read first. January 23, read second, judiciary. February 7, passed.
638. Walker. To amend section 3760 of Code.  
January 22, read first. January 23, read second, judiciary.
639. Same. To amend section 3209 of Code.  
January 22, read first. January 23, read second, judiciary.
640. Same. To change line between Shelby and Jefferson.

- January 22, read first. January 23, read second, counties and county boundaries.
641. Haigler. To amend section 3473 of Code.  
January 22, read first. January 23, read second, judiciary.
642. Same. Supplemental to the act of February 8, 1877.  
January 22, read first. January 23, read second, education. February 7, passed. February 13, passed Senate, signed, approved.
643. Walker. To amend section 359 of Code.  
January 22, read first. January 23, read second, ways and means.
644. Smith of Lowndes. For the protection of planters, &c.  
January 22, read first. January 23, read second, local legislation.
645. Foster of Macon. For relief of J. B. Fitzpatrick.  
January 22, read first. January 23, read second, local legislation.
646. Betts. To provide for the payment of expenses of committee on swamp lands.  
January 22, read first. January 23, read second, appropriations. January 30, passed. February 10, passed Senate. February 11, signed, approved.
647. Fletcher. To authorize an appropriation for the Alabama Orphan school.  
January 22, read first. January 23, read second, education.
648. Same. To appoint inspectors of oils, &c.  
January 22, read first. January 23, read second, ways and means.
649. Muldon. To authorize administrator of Wm. Fisher, deceased, to make deeds in certain cases.  
January 22, read first. January 23, read second, ways and means.
650. Same. To authorize Mobile life to reduce capital stock.  
January 22, read first. January 23, read second, corporations.
651. McCarron. To amend sections 1373 and 1381 of Code.  
January 22, read first. January 23, read second, agriculture and commerce.
652. Same. To amend section 3991 of Code.  
January 22, read first. January 23, read second, judiciary.

653. Smith of Mobile. To authorize Secretary of State to distribute to Bar Associations, certain Alabama reports.  
January 22, read first. January 23, read second, judiciary.
654. Kirkpatrick. To pay for repairs to the hall of the House.  
January 22, read first. January 23, read second, appropriations. January 30, passed. February 10, passed Senate. February 11, signed, approved.
655. Kirkpatrick. To establish a separate school district out of portions of Montgomery and Pike.  
January 22, read first. January 23, read second, education.
656. Clopton. To carry into effect the health laws.  
January 22, read first. January 23, read second, appropriations. February 7, passed. February 12, passed Senate, signed, approved.
657. Same. To incorporate Tallassee Falls Manufacturing Company.  
January 22, read first. January 23, read second, corporations.
658. Same. To regulate proceedings in suits for the recovery of lands sold for taxes, &c.  
January 22, read first. January 23, read second, ways and means. February 8, to select committee. February 8, substitute adopted, passed. February 12, Senate amends, concurred in. February 13, signed, approved.
659. Lawson. To refund to counties their part of redemption money.  
January 22, read first. January 23, read second, ways and means.
660. Sharpe. To pay over to Lawrence county, certain school funds.  
January 22, read first. January 23, read second, ways and means. January 27, to education. February 10, passed. February 13, passed Senate, signed, approved.
661. Huey. To regulate certain ejectment suits.  
January 22, read first. January 23, read second, judiciary.
662. Lawson. To empower probate judge to order sale of lands, in certain cases.

- January 22, read first, January 23, read second, judiciary.
663. Same. liquor prohibition, Radfordsville Academy.  
January 21, read first. January 23, read second, temperance.
664. Willett. To amend section 2825 of Code.  
January 22, read first. January 23, read second, judiciary.
665. Martin. To amend section 494 of Code.  
January 22, read first. January 23, read second, ways and means.
666. Pitts. To change line between Shelby and Chilton counties.  
January 22, read first. January 23, read second, counties and county boundaries. January 28, report adverse.
667. Purifoy. To create beat tax collectors.  
January 22, read first. January 23, read second, ways and means.
668. Williams. Liquor prohibition, Deatsville.  
January 22, read first. January 23, read second, local legislation. February 5, passed.
669. Davis. To constitute a separate school district out of portions of Limestone and Madison.  
January 22, read first. January 23, read second, education.
670. Billingslea. To prevent stock from running at large in certain portions of Dallas.  
January 22, read first. January 23, read second, local legislation. February 7, passed. February 13, passed Senate, signed, approved.
671. Stribling. To consolidate offices of sheriff, &c., assessor of Washington county.  
January 22, read first. January 23, read second, ways and means.
672. Cochrane. Limiting prosecutions in certain cases.  
January 22, read first. January 23, read second, judiciary. February 7, passed. February 10, passed Senate. February 11, signed, approved.
673. McCaue. To ratify appointment of P. N. Hickman, as coroner of Butler county.  
January 22, read first. January 23, read second, local legislation. February 7, passed. February 13, Senate amends, concurred in, signed, approved.



674. Lyons. To amend subdivision 8, section 494 of Code.  
January 22, read first. January 23, read second, ways and means. February 10, passed.
675. Legg. Joint memorial in relation to Sipsey and Warrior rivers.  
January 22, read, and to Federal relations. January 25, adopted. January 29, Senate concurs. January 30, signed. February 1, approved.
- 675½. Ash. To amend section 5034 of Code.  
January 23, read first. January 24, read second, fees and salaries.
676. Davidson. Relief of W. P. Beeson.  
January 23, read first. January 24, read second, local legislation.
677. Same. To change eastern boundary line of Blount.  
January 23, read first. January 24, read second, counties and county boundaries. January 28, passed.
678. Same. To compromise claim against Frank Hanna.  
January 23, read first. January 24, read second, education. February 7, passed.
679. Walker. To authorize Jefferson county to issue new bonds.  
January 23, read first. January 24, read second, judiciary. February 7, passed. February 11, passed Senate. February 13, signed, approved.
680. Same. To amend subdivision 7, section 369 of Code.  
January 23, read first. January 24, read second, ways and means.
681. Clopton. To provide for reducing rate of taxation.  
January 23, read first. January 24, read second, ways and means.
682. Walker. Relief of Chas. Linn.  
January 23, read first. January 24, read second, appropriations. January 30, favorable, recommitted. January 31, to judiciary. February 7, lost.
683. Woolf. Appropriation bill 1879-80.  
January 23, read first. January 24, read second, appropriations. February 4, amended. February 5, passed. February 12, Senate amends. February 13, concurred in, in part; committee of conference, report concurred in, signed, approved.
684. Waller. To prevent damages to cattle, etc.  
January 24, read first. January 25, read second, corporations.

685. Lawson. To repeal act making Mardi Gras a legal holiday, as to Montgomery.  
January 24, read first. January 25, read second, local legislation.
686. Akers of Marion. To regulate election of commissioners for Marion county.  
January 24, read first. January 25, read second, privileges and elections. January 27, passed. February 1, passed Senate. February 3, signed. February 4, approved.
687. Curtis. To authorize Messrs. Pointer and Bailey of Winston county to practice medicine.  
January 24, read first. January 25, read second, local legislation.
688. Walker. To repeal act requiring publication of expenditures for Jefferson county.  
January 24, read first. January 25, read second, local legislation. February 10 passed.
689. Same. To repeal liquor law, Jonesboro, Jefferson county.  
January 24, read first. January 25, read second, temperance. February 10, amended and passed.
690. English. Declaring public drunkenness a misdemeanor.  
January 24, read first. January 25, read second, judiciary.
691. Betts. To prescribe the notice to be given of tax sales.  
January 24, read first. January 25, read second, ways and means.
692. Same. To provide for collection of poll tax.  
January 24, read first. January 25, read second, ways and means. January 27, to education.
693. Same. To authorize commissioner of swamp and overflowed lands to pay certain witnesses.  
January 24, read first. January 25, read second, appropriations.
694. Owens. To repeal sections 3286, '7 and '8 of Code, as to Pike county.  
January 24, read first. January 25, read second, judiciary.
695. Smith of Mobile. To vacate and annul the charter of Mobile, etc.  
January 24, read first. January 25, read second, select committee. February 1, passed. February

- 11, passed Senate, signed. February 12, approved.
696. Boykin. For relief of P. V. R. Lee.  
January 24, read first. January 25, read second,  
education.
697. Betts. To further define the duties of tax assessors.  
January 24, read first. January 25, read second,  
ways and means.
698. Smith of Mobile. To incorporate port of Mobile, etc.  
January 24, read first. January 25, read second,  
select committee. February 1, amended. February  
5, passed. February 11, passed Senate, signed.  
February 12, approved.
699. Patton. To amend section 4369 of Code.  
January 24, read first. January 25, read second,  
agriculture and commerce. February 3, passed.  
February 11, passed Senate. February 12, signed,  
approved.
700. Armstrong. For relief of Jason H. Talbot, et al.  
January 24, read first. January 25, read second,  
judiciary.
701. Armstrong. To declare a lien in favor of blacksmiths.  
January 24, read first. January 25, read second,  
judiciary.
702. Foster of Macon. To compel the delivery of books  
to successors in office.  
January 24, read first. January 25, read second,  
judiciary.
703. Sharpe. For relief of school fund of Morgan county.  
January 24, read first. January 25, read second,  
education. February 7, to judiciary.
704. Purifoy. To authorize payment of interest upon cer-  
tain claims against Wilcox county.  
January 25, read first. January 27, read second,  
local legislation. February 10, passed.
705. Ash. In regard to marriage license, etc.  
January 25, read first. January 27, read second,  
judiciary.
706. Huey. To amend section 1255 of Code.  
January 25, read first. January 27, read second,  
education. February 10, passed..
707. Caldwell. For relief of J. A. Speller.  
January 25, read first. January 27, read second,  
local legislation.
708. Willett. To amend section 5025 of Code.

- January 25, read first. January 27, read second, fees and salaries.
709. Williams. To require certain officers to obtain commissions.  
January 25, read first. January 27, read second, fees and salaries.
710. Clark of Mobile. To establish an inferior court of record for Mobile county.  
January 25, read first. January 27, read second, select committee. February 5, passed. February 11, passed Senate. February 12, signed, approved.
711. Muldon. To amend paragraph 14, section 494 of Code.  
January 25, read first. January 27, read second, ways and means. February 10, passed.
712. Taylor of Choctaw. Joint resolution in relation to claim of State against Samuel Tate and associates.  
January 25, read and adopted. January 28, Senate concurs. January 29, signed. January 30, approved.
713. Muldon. To regulate fees of tax assessors of Mobile county.  
January 25, read first. January 27, read second, ways and means.
714. Same. To amend subdivision 1, paragraph 3, section 494 of Code.  
January 25, read first. January 27, read second, ways and means. February 10, passed. February 12, passed Senate. February 13, signed, approved.
715. Muldon. To compensate tax collectors.  
January 25, read first. January 27, read second, ways and means. February 10, substitute passed. February 12, passed Senate. February 13, signed, approved.
716. Boger. To amend section 4443 of Code.  
January 25, read first. January 27, read second, ways and means.
717. Haigler. For relief of public schools in T. 13. R. 12, Lowndes county.  
January 25, read first. January 27, read second, education.
718. Walker. To amend section 339 of Code.  
January 25, read first. January 27, read second, judiciary.

719. Walker. To require plaintiffs in civil cases to give security for costs.  
January 25, read first. January 27, read second, fees and salaries.
720. Davidson. For relief of Austin M. South.  
January 25, read first. January 27, read second, education.
721. Same. For relief of Andrew Manning and others.  
January 25, read first. January 27, read second, education.
722. Hand. To amend section 4186 of Code.  
January 25, read first. January 27, read second, judiciary.
723. Caldwell. To define criminal jurisdiction of justices in Bullock county.  
January 27, read first. January 28, read second, local legislation.
724. Culver. Liquor prohibition, Sardis Church, Bullock county.  
January 27, read first. January 28, read second, temperance. February 5, passed.
725. Alexander. To amend section 586 of Code.  
January 27, read first. January 28, read second, fees and salaries.
726. Riley. For relief of J. D. Hudson, door-keeper.  
January 27, read first. January 28, read second, accounts and claims.
727. Patton. To regulate hiring of county convicts.  
January 27, read first. January 28, read second, judiciary.
728. Akers of Jefferson. To amend section 2461 of Code.  
January 27, read first. January 28, read second, judiciary.
729. Boger. To establish an inferior court of record at Courtland.  
January 27, read first. January 28, read second, judiciary. February 7, passed. February 8, reconsidered, passed.
730. Critcher. To declare Samuel Prentince a citizen of Marshall county.  
January 27, read first. January 28, read second, counties and county boundaries.
731. Same. To authorize commissioners' court of Marshall county to establish free ferries.  
January 27, read first. January 28, read second,

- counties and county boundaries. January 30, to public roads and highways. February 10, passed.
732. Muldon. To regulate buying and selling of oysters. January 27, read first. January 28, read second, agriculture and commerce. February 3, passed.
733. Muldon. To amend para. 6, section 358 of Code. January 27, read first. January 28, read second, ways and means.
734. Clark of Mobile. To regulate issuance of executions, &c., from city and circuit courts of Mobile. January 27, read first. January 28, read second, judiciary.
735. Clopton. To amend section 401 of Code. January 27, read first. January 28, read second, ways and means. February 10, passed. February 12, passed Senate. February 13, signed, approved.
736. Clopton. To authorize railroad companies chartered in this State to make leases. January 27, read first. January 28, read second, corporations. February 10, amended and passed, reconsidered, amended and passed.
737. Same. To provide for discharge of certain trustees. January 27, read first. January 28, read second, ways and means. February 11, amended and passed.
738. Same. To amend fence laws of Montgomery. January 27, read first. January 28, read second, local legislation.
739. Kirkpatrick. Liquor prohibition, Centre Point school house, Montgomery county. January 27, read first. January 28, read second, temperance. February 5, passed.
740. Huey. To incorporate Alabama Baptist Normal and Theological School at Selma. January 27, read first. January 28, read second, education.
741. Willett. To regulate holding of courts in sixth circuit. January 27, read first. January 28, read second, select committee.
742. Dark. To construe an act to regulate publication of legal notices. January 27, read first. January 28, read second, judiciary.
743. Cochrane. To pay certain joint committees expenses. January 27, read first. January 28, read second, appropriations. January 30, passed. February 10,

- Senate amends, concurred in. February 11, signed, approved.
744. Cooper. To establish an independent school district in Bibb county.  
January 27, read first. January 28, read second, local legislation. February 5, to education.
745. Clark of Lawrence. For relief of Mrs. Sallie Morton.  
January 27, read first. January 28, read second, education.
746. Betts. To authorize governor to mitigate sentence of county convicts.  
January 27, read first. January 28, read second, judiciary.
747. Martin. To amend section 5046 of Code.  
January 27, read first. January 28, read second, fees and salaries. February 10, passed.
748. Stribling. To pay over to the superintendent of education of Washington county certain school money.  
January 27, read first. January 28, read second, education. February 7, passed. February 12, passed Senate. February 13, signed, approved.
749. Stribling. To require auditor to draw his warrant on tax collector of Washington county for certain school money.  
January 27, read first. January 28, read second, education. February 7, passed. February 12, passed Senate. February 13, signed, approved.
750. Huey. To amend section 1317 of Code.  
January 27, read first. January 28, read second, appropriations. February 10, passed. February 13, Senate amends, concurred in, signed, approved.
751. Woolf. To amend subdivision 2 and 3, section 494 of Code.  
January 28, read first. January 29, read second, select committee. February 1, report favorable, special order. February 5, indefinitely postponed.
752. Foster of Barbour. To establish normal school at Clayton.  
January 28, read first. January 29, read second, education.
753. Kirkpatrick. To amend act amendatory of fence laws of Montgomery.  
January 28, read first. January 29, read second, local legislation.
754. Taylor of Choctaw. For relief of Mrs. A. O. Burrill.

- January 28, read first. January 29, read second, education.
755. Same. For better protection of holders of life policies. January 28, read first. January 29, read second, judiciary.
756. Clopton. For relief of estate of William Dougherty. January 28, read first. January 29, read second, accounts and claims. February 10, passed.
757. Same. To amend sections 1 and 2 of the act authorizing city of Montgomery to condemn, &c., certain real estate. January 28, read first. January 29, read second, corporations. February 8, passed. February 12, passed Senate, signed, approved.
758. Same. To amend charter of Montgomery. January 28, read first. January 29, read second, corporations. February 8, passed. February 12, passed Senate. February 13, signed, approved.
759. Same. To further provide for the adjustment of State debt. January 28, read first. January 29, read second, judiciary.
760. Brooks. To allow sheriff fees in certain cases. January 28, read first. January 29, read second, fees and salaries.
761. Same. To amend section 4109 of Code. January 28, read first. January 29, read second, judiciary.
762. Same. To amend para. I of section 5032 of Code. January 28, read first. January 29, read second, fees and salaries.
763. Wood. To change line between Lee and Macon. January 28, read first. January 29, read second, counties and county boundaries. February 10, passed. February 13, Senate amends, concurred in, signed, approved.
764. Culver. Liquor prohibition, Hopewell church, Bullock county. January 28, read first. January 29, read second, temperance. February 10, passed.
765. Lyons. To amend section 471 of Code. January 28, read first. January 29, read second, ways and means.
766. Same. To amend section 468 of Code. January 28, read first. January 29, read second, ways and means.



467. Same. To amend section 467 of Code.  
January 28, read first. January 29, read second,  
ways and means.
768. Same. To amend section 469 of Code.  
January 28, read first. January 29, read second,  
ways and means.
769. Waller. To require druggists to take out license in  
certain cases.  
January 28, read first. February 1, read second,  
select committee. February 1, report substitute,  
recommitted.
770. Jack. To authorize different beats of Franklin county  
to vote on question of permitting liquors to be sold.  
January 28, read first. January 29, read second,  
temperance. February 5, substitute passed.
771. Same. To regulate pay of clerks and inspectors of  
election.  
January 28, read first. January 29, read second,  
privileges and elections.
772. Lyons. To provide for sale of lands for delinquent  
taxes.  
January 28, read first. January 29, read second,  
ways and means.
773. Muldon. Requiring Secretary of State to furnish to  
certain institutions public documents, &c.  
January 28, adopted. January 30, Senate concurs.  
January 31, signed. February 1, approved.
774. Bowdon. For relief of George W. Chambers.  
January 29, read first. January 30, read second,  
education.
775. Huey. To incorporate the Marion Protection Hook  
and Ladder Company, No. 1, of Marion.  
January 29, read first. January 30, read second,  
corporations.
776. Steele. To repeal act, as to Colbert county, in rela-  
tion to fine and forfeiture fund.  
January 29, read first. January 30, read second,  
local legislation.
777. Kennedy. For relief of N. M. McDavid.  
January 29, read first. January 30, read second,  
counties and county boundaries.
778. Same. To amend the laws for assessment, &c., of  
taxes in Clay county.  
January 29, read first. January 30, read second,  
local legislation.
779. Martin. For relief of Boykin Jones.

- January 29, read first. January 30, read second, accounts and claims.
780. Lawson. To amend section 286 of Code.  
January 29, read first. January 30, read second, privileges and elections. February 10, passed. February 13, passed Senate, signed, approved.
781. Dawson. To amend section 1 of act to provide for collection of taxes levied for certain purposes.  
January 29, read first. January 30, read second, judiciary.
782. Lyons. To amend subdivision 8 of section 494 Code.  
January 29, read first. January 30, read second, ways and means.
783. Lawrence. To regulate number and pay of employes at the capitol.  
January 30, read first. January 31, read second, State capitol. February 10, tabled.
784. Williams. To amend the act regulating sale of seed cotton.  
January 30, read first. January 31, read second, privileges and elections. February 7, passed. February 11, passed Senate. February 12, signed, approved.
785. Same. For relief of blind soldiers.  
January 30, read first. January 31, read second, appropriations. February 7, passed. February 12, Senate amends, concurred in. February 13, signed, approved.
786. Waller. Relief of James W. Locke.  
January 30, read first. January 31, read second, appropriations. February 10, favorable, lost.
787. Riley. To regulate pay of bailiffs in Covington county.  
January 30, read first. January 31, read second, fees and salaries. February 10, passed.
788. Sheid. To change line between Etowah and Calhoun.  
January 30, read first. January 31, read second, counties and county boundaries. February 10, passed.
789. Lawrence. To restrict commissioners' court of Cherokee county in levy of county taxes.  
January 30, read first. January 31, read second, local legislation. February 7, passed.
790. Haigler. To amend section 1 of act to secure more competent jurors in certain counties.

- January 30, read first. January 31, read second, fees and salaries.
791. Jolley. To appropriate \$5000 to repair medical college at Mobile.  
January 31, read first. February 1, read second, select committee. February 4, passed.
792. Williams. Liquor prohibition, Sykes's mills, Elmore county.  
January 31, read first. February 1, read second, temperance.
793. Akers of Jefferson. To regulate salaries of certain officers.  
January 31, read first. February 1, read second, fees and salaries.
794. Walker. To change line between Jefferson and Shelby.  
January 31, read first. February 1, read second, counties and county boundaries.
795. Walker. To prevent storage of certain offensive materials near certain places.  
January 31, read first. February 1, read second, judiciary.
796. Culver. To amend act to establish board of revenue for Montgomery county.  
January 31, read first. February 1, read second, local legislation.
797. Clarke of Mobile. To relieve regular steam-packets from taking pilots.  
January 31, read first. February 1, read second, agriculture and commerce. February 10, passed.
798. Same. To prohibit sale of loose cotton in Mobile.  
January 31, read first. February 1, read second, agriculture and commerce.
799. Nettles. To regulate sale of land under legal process.  
January 31, read first. February 1, read second, judiciary.
800. Same. To empower commissioners of Monroe to compromise certain claims.  
January 31, read first. February 1, read second, local legislation.
801. Same. To prevent hire of minors without consent of parent or guardian.  
January 31, read first. February 1, read second, judiciary.

802. James. To regulate fees of solicitors.  
January 31, read first. February 1, read second,  
judiciary.
803. Same. To punish reckless use of fire-arms.  
January 31, read first. February 1, read second,  
judiciary.
804. Same. To prevent reckless use of fire-arms.  
January 31, read first. February 1, read second,  
judiciary.
805. Same. To prohibit sale of liquors without license.  
January 31, read first. February 1, read second,  
temperance.
806. Same. To require probate judges to perform duties  
required by section 683 of Code.  
January 31, read first. February 1, read second,-  
judiciary.
807. Same. To amend section 566 of Code.  
January 31, read first. February 1, read second,  
ways and means. February 10, passed.
808. Clopton. To authorize exchange of certain coupons,  
&c.  
January 31, read first. February 1, read second,  
ways and means. February 10, passed. February  
12, passed Senate, signed, approved.
809. Same. To amend section 4373 of Code.  
January 31, read first. February 1, read second,  
judiciary.
810. Armstrong. To amend section 652 of Code.  
January 31, read first. February 1, read second,  
judiciary.
811. McIlwain. To incorporate Mechanics Fire Company  
No. 2 of Selma.  
January 31, read first. February 1, read second,  
corporations.
812. Brooks. To authorize supreme court to remand cer-  
tain causes.  
January 31, read first. February 1, read second,  
judiciary.
813. Molett. To regulate practice in divorce cases.  
February 1, read first. February 3, read second,  
judiciary.
814. Reynolds. For the protection of health and morals.  
February 1, read first. February 3, read second,  
judiciary.

815. Same. To authorize people of Henry to vote on removing county seat.  
February 1, read first. February 3, read second, local legislation. February 10, passed. February 13, passed Senate, signed, approved.
816. Boger. To compensate tax assessors.  
February 1, read first. February 3, read second, ways and means.
817. Owens. To amend subdivision 4, section 362 of Code.  
February 1, read first. February 13, read second, ways and means.
818. Bowdon. To amend section 650 of Code.  
February 1, read first. February 3, read second, judiciary. February 7, passed. February 10, passed Senate. February 11, signed, approved.
819. Clark of Conecuh. To prevent camp-hunting in Conecuh county.  
February 1, read first. February 3, read second, game laws.
820. Register. To authorize Wm. D. Campbell to establish public ferry.  
February 1, read first. February 3, read second, public roads and highways.
821. Same. To repeal act repealing section 4031 of Code, as to Geneva county.  
February 1, read first. February 3, read second, judiciary.
822. Akers of Jefferson. For the enforcement of mechanics liens.  
February 1, read first. February 3, read second, judiciary.
823. Walker. To establish a new charter for Birmingham.  
February 1, read first. February 2, read second, select committee. February 8, passed. February 11, passed Senate. February 13, signed, approved.
824. Ash. To amend section 424 of Code.  
February 1, read first. February 3, read second, ways and means.
825. Foster of Macon. To amend section 413 of Code.  
February 1, read first. February 3, read second, ways and means.
826. Same. To fix rate of taxation.  
February 1, read first. February 3, read second, ways and means.

827. Bowdon. To fix rate of taxation.  
February 1, read first. February 3, read second,  
ways and means.
828. Same. To regulate buying and selling of liquors.  
February 1, read first.
829. Walker. To authorize Birmingham to collect license  
tax.  
February 3, read first. February 4, read second,  
select committee.
830. Same. To change line between Blount and Jefferson.  
February 3, read first. February 4, read second,  
counties and county boundaries. February 10,  
passed.
831. Smith of Lowndes. Relief of S. E. Riggs.  
February 3, read first. February 4, read second,  
education.
832. Dark. To repeal the act to change apportioning of  
hands, &c., in Tallapoosa.  
February 3, read first. February 4, read second,  
select committee. February 10, passed.
833. Muldon. To repeal section 1618 of Code.  
February 3, read first. February 4, read second,  
agriculture and commerce. February 10, passed.
834. Same. To amend section 4439 of Code.  
February 3, read first. February 4, read second,  
agriculture and commerce.
835. Betts. To amend section 2005 of Code.  
February 3, read first. February 4, read second,  
select committee.
836. Crutcher. To repeal certain parts of section 358 of  
Code.  
February 3, read first. February 4, read second,  
ways and means.
837. McCarron. To amend section 4414 of Code.  
February 1, read first. February 4, read second,  
agriculture and commerce.
838. Betts. To detach Shelby from 7th and attach to 6th  
congressional district.  
February 3, read first. February 4, read second,  
judiciary.
839. Culver. To prevent hunting on lands in Bullock.  
February 3, read first. February 4, read second,  
game laws. February 8, passed.
840. Ramsey. To amend section 2711 of Code.

- February 3, read first. February 4, read second, judiciary.
841. Clopton. To authorize John Swan and John A. Billips to bring trespass, &c.  
February 3, read first. February 4, read second, judiciary. February 11, passed. February 13, passed Senate, signed, approved.
842. Same. To amend sections 2 and 4 of fence laws of Montgomery.  
February 3, read first. February 4, read second, agriculture and commerce. February 10, passed.
843. Boykin. To enable counties to collect taxes on capital stock of banks, &c.  
February 3, read first. February 4, read second, ways and means.
844. Bowdon. To regulate term of office of tax collectors.  
February 3, read first. February 4, read second, fees and salaries.
845. Rushing. To declare Pea river a lawful fence.  
February 3, read first. February 4, read second, public roads and highways. February 10, amended and passed.
846. Purifoy. To provide for retiring State obligations.  
February 3, read first. February 4, read second, select committee.
847. Rushing. To amend section 1526 of Code.  
February 3, read first. February 4, read second, judiciary.
848. Muldon. For printing report of superintendent of Insane Hospital.  
February 3, adopted. February 6, Senate concurs. February 7, signed.
- 848½. Riley. To repeal law repealing section 4031 of Code, as to Covington county.  
February 3, read first. February 4, read second, judiciary. February 7, passed. February 13, passed Senate, signed, approved.
849. Clark of Mobile. To protect posters and other notices.  
February 3, read first. February 4, read second, corporations.
850. Griggs. To provide for sending criminal insane to the asylum.  
February 3, read first. February 4, read second, select committee.

851. Same. To provide for the support of indigent or criminal insane.  
February 3, read first. February 4, read second, select committee.
852. Brooks. Regulating time of holding circuit courts in 5th judicial circuit.  
February 4, read first. February 5, read second, select committee. February 7, passed. February 11, Senate amends. February 12, concurred in. February 13, signed, approved.
853. Boykin. To amend section 1921 of Code.  
February 4, read first. February 5, read second, corporations.
854. Akers of Marion. To amend section 369 of Code.  
February 4, read first. February 5, read second, ways and means.
855. Purifoy. To prohibit camp hunting in Wilcox.  
February 4, read first. February 5, read second, local legislation. February 8, passed.
856. Woolf. Relief of J. Kohn & Bro.  
February 4, read first. February 5, read second, ways and means.
857. Boykin. To authorize the redemption of lands sold for taxes and purchased by the State.  
February 4, read first. February 5, read second, ways and means.
858. Jack. To authorize clerk of circuit court of Franklin to record deeds, etc.  
February 4, read first. February 5, read second, judiciary.
859. Register. To authorize people of Geneva county to vote on removing county seat.  
February 4, read first. February 5, read second, local legislation.
860. Same. To repeal charter of Geneva.  
February 4, read first. February 5, read second, corporations.
861. Same. To amend the act to prescribe additional duties for treasurer of Geneva county.  
February 4, read first. February 5, read second, ways and means.
862. Akers of Jefferson. To better protect vendors of goods against dishonest merchants.  
February 4, read first. February 5, read second, judiciary.



863. Muldon. To authorize appointment of revenue commissioners to revise revenue laws, etc.  
February 4, read first. February 5, read second, ways and means.
864. Clark of Mobile. To insure the selection of competent jurors, etc.  
February 4, read first. February 5, read second, judiciary.
865. Foster of Barbour. To authorize Eufaula to collect a license tax.  
February 5, read first. February 7, read second, select committee. February 8, passed. February 11, passed Senate. February 12, signed, approved.
866. Register. To change the name of Geneva county to Gordon.  
February 6, read first. February 7, read second, counties and county boundaries. February 10, passed. February 13, passed Senate, signed, approved.
867. Jack. Joint memorial on certain school lands in Arkansas.  
February 8, adopted. February 10, Senate concurs. February 11, signed, approved.
868. Bowdon. Joint memorial in regard to the colored agricultural and mechanical college at Talladega.  
February 13, adopted, Senate concurs, signed, approved.

## REGISTER OF SENATE BILLS,

CONTAINING NUMBER, ABSTRACT OF TITLE, AND DIFFERENT  
ACTIONS OF HOUSE ON SAME.

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1. Joint memorial on quarantine.  
November 20, Federal relations. December 2,  
adopted. December 4, signed.
2. To regulate the practice in actions on accounts.  
December 2, read first. December 3, read second,  
judiciary. December 10, amended and passed.  
December 11, concurred in. January 16, signed.
4. To prevent taking, etc., any personal property without  
consent of owner.  
November 25, read first. November 26, read second,  
judiciary. November 29, favorable, postponed until  
Monday. January 28, amended and passed. Jan-  
uary 31, Senate refuses to concur; House recedes  
from second amendment and adheres to first, com-  
mittee of conference asked for, Senate agrees. Feb-  
ruary 1, Senate and House concur in report. Feb-  
ruary 5, signed.
7. To amend act amending section 12 of charter of Union  
Springs.  
December 4, read first. December 5, read second,  
corporations. December 9, amended. December  
10, passed. December 11, concurred in. January 16,  
signed.
8. To amend section 5 of an act to establish a new char-  
ter for Union Springs.  
November 27, read first. November 29, read second,  
corporations. January 23, passed. January 28,  
signed.
11. To provide mode of procedure in *nunc pro tunc* pro-  
ceedings.

- January 29, read first. January 30, read second, judiciary.
13. To provide mode of procedure in recoupment.  
December 3, read first. December 4, read second, judiciary. December 10, report favorable. January 15, passed. January 22, signed.
  14. To prevent executors, etc., from misusing trust funds, etc.  
January 22, read first. January 23, read second, judiciary.
  19. To repeal the act in regard to fine and forfeiture fund, as to Coosa county.  
November 25, read first. November 26, read second, local legislation. December 6, passed. December 9, signed.
  20. To amend sections 4872, 4874, etc., of Code.  
February 5, read first. February 7, read second, judiciary.
  23. To amend section 2575 of Code.  
November 27, read first. November 29, read second, judiciary. December 2, passed. December 4, signed.
  24. To amend section 4203 of Code.  
November 27, read first. November 29, read second, judiciary.
  28. To amend section 5025 of Code.  
January 30, read first. January 31, read second, fees and salaries. February 12, amended and passed. February 13, signed.
  30. To amend section 775 of Code.  
December 2, read first. December 3, read second, judiciary. February 13, passed, signed.
  31. To amend subdivision 1, section 1933 of Code.  
November 26, read first. November 27, read second, corporations. December 10, passed. January 16, signed.
  32. To change boundary line between DeKalb and Jackson.  
November 26, read first. November 27, read second, counties and county boundaries. December 7, report favorable. January 16, tabled. January 17, taken from table and recommitted.
  33. To attach Cherokee and Etowah to northern chancery division.  
November 25, read first. November 26, read second, judiciary. November 29, passed. December 4, signed.

36. For relief of school teachers.  
November 21, read first. November 22, read second, education. November 25, passed. November 26, signed.
39. Liquor prohibition West Bend Academy, Clark county.  
November 22, read first. November 23, read second, local legislation. December 2, to temperance. December 9, passed. December 10, notice of reconsideration. January 18, notice withdrawn. January 20, signed.
40. To detach Marengo from western, and attach it to Southern chancery division.  
November 25, read first. November 26, read second, judiciary. November 29, passed. December 4, signed.
41. To better secure fees of officers of Choctaw and Sumter.  
January 8, read first. January 20, read second, fees and salaries.
43. To amend section 713 of Code.  
November 25, read first. November 26, read second, judiciary. November 29, amended, passed. December 6, concurred in. December 9, signed.
45. To regulate fine and forfeiture fund of Montgomery.  
December 9, read first. December 10, read second, local legislation. January 25, passed. January 28, passed.
48. Joint resolution to Congress in regard to suits against municipal corporation.  
November 26, to federal relations. December —, amended. December 9, special order for tomorrow. December 10, amended, passed, concurred in. January 25, signed.
49. To prevent and punish betting on elections.  
November 27, read first. November 29, read second, judiciary. December 2, passed. December 4, signed.
50. To regulate notice to be given by constables.  
November 26, read first. November 27, read second, judiciary.
52. To amend section 699 of Code.  
December 3, read first. December 4, read second, judiciary. December 10, passed. January 17, signed.

53. In relation to misrepresentations in securing life insurance policies, &c.  
December 9, read first. December 10, read second, corporations. January 23, report favorable. January 29, passed. January 30, motion to reconsider, tabled. February 1, signed.
55. To amend section 2350 of Code.  
December 5, read first. December 6, read second, judiciary. February 13, amended, passed, Senate concurs, signed.
56. To authorize governor, &c., to inquire into validity of certain claims.  
February 6, read first. February 7, read second, ways and means. February 11, passed. February 12, signed.
58. Relating to jury trials.  
December 3, read first. December 4, read second, judiciary.
61. To amend sections 4325 and 4327 of Code.  
December 2, read first. December 3, read second, judiciary.
62. To fix *per diem*, mileage, &c., of county commissioners.  
November 30, read first. December 2, read second, judiciary.
65. Joint resolution to Congress in relation to tax on State banks.  
November 26, federal relations. December 6, adopted. December 9, signed.
68. To prescribe the venue in suits against corporations.  
January 20, read first. January 21, read second, agriculture and commerce. February 12, passed. February 13, signed.
71. To incorporate Brunswick and Albany Railroad Company, &c.  
December 4, read first. December 5, read second, corporations. December 9, report favorable. December 10, amended, passed, Senate concurs. January 25, signed.
73. To amend the game law.  
January 22, read first. January 23, read second, game law, &c.
80. To repeal act to prohibit fishing in Coosa river with nets, &c.  
December 3, read first. December 4, read second,

- agriculture and commerce. December 7, passed.  
December 10, signed.
83. To lien in favor of landlords on property of tenants in dwellings, &c.  
January 27, read first. January 28, read second, judiciary.
85. To amend section 3524 of Code.  
November 30, read first. December 2, read second, judiciary. December 10, passed. January 17, signed.
86. To carry into effect intent of Congress, by the act July 2, 1862.  
January 24, read first. January 25, read second, Education. February 7, passed. February 8, signed.
87. In relation to bonded debt of Montgomery county.  
December 2, read first. December 3, read second, local legislation. December 5, passed. December 9, signed.
88. To prevent stock from running at large in certain portions of Dallas county.  
December 3, read first. December 4, read second, local legislation. December 9, passed. December 10, signed.
89. Relief of Calvin Brett.  
December 5, read first. December 6, read second, ways and means.
90. To amend section 43 of Code.  
January 22, read first. January 23, read second, appropriations. January 30, amended, passed. February 1, Senate concurs. February 4, signed.
92. To lay off Crenshaw into four commissioners districts.  
December 5, read first. December 6, read second, local legislation. January 25, amended, passed. January 29, Senate concurs, signed.
93. To authorize Fire and Marine Insurance Companies, to reduce capital stock.  
December 4, read first. December 5, read second, corporations. January 23, amended, passed. January 24, Senate concurs. January 29, signed.
94. To amend section 1 of act for preservation of game, &c.  
January 24, read first. January 25, read second, game laws.
95. To provide for appointment of a special judge for Madison county.

- January 30, read first. January 31, read second, judiciary.
100. In relation to guardians and their bonds.  
January 27, read first. January 28, read second, judiciary. February 13, passed, signed.
  101. To change line between Cherokee and DeKalb.  
December 5, read first. December 6, read second, counties and county boundaries.
  102. To change line between Etowah and DeKalb.  
December 5, read first. December 6, read second, counties and county boundaries. January 27, favorable. January 28, passed. January 31, signed.
  104. To amend section 2349 of Code.  
January 18, read first. January 20, read second, judiciary. February 13, amended, passed, Senate concurs, signed.
  105. To reduce recording fees of judge of probate, &c.  
January 22, read first. January 23, read second, judiciary. January 25, to fees and salaries. February 12, amended, passed. February 13, signed.
  106. To regulate legal advertising in Henry county.  
February 3, read first. February 4, read second, local legislation. February 12, passed. February 13, signed.
  110. To amend section 5030 of Code.  
January 30, read first. January 31, read second, fees and salaries.
  111. To amend section 4541 of Code.  
December 4, read first. December 5, read second, penitentiary. December 9, passed. December 10, signed.
  115. To fix limitation of suits against heirs, &c.  
February 7, read first. February 10, read second, judiciary.
  116. Relating to fees of judges of probate, &c., in criminal cases.  
January 31, read first. February 1, read second, fees and salaries.
  117. To repeal all special acts relating to fees of judge of probate, &c., in Montgomery county.  
January 18, read first. January 20, read second, local legislation. January 25, passed. January 27, reconsidered, amended and passed. January 29, Senate concurs, signed.
  118. To amend section 1373 of Code.

- December 3, read first. December 4, read second, judiciary. December 10, passed. January 18, signed.
123. To amend charter of Greenville.  
January 23, read first. January 24, read second, corporations.
124. To divide the State into three chancery divisions.  
January 18, read first. January 20, read second, judiciary. January 23, passed. January 29, signed.
125. To amend the act to change line between Blount, Walker and Jefferson, &c.  
January 20, read first. January 21, read second, counties and county boundaries. January 27, passed. January 29, signed.
126. Relief of John H. Harris.  
January 17, read first. January 18, read second, accounts and claims. January 27, passed. January 29, signed.
127. To exempt ministers, &c., from road duty.  
February 6, read first. February 7, read second, public roads and highways. February 12, tabled.
130. To ratify an increase of capital stock of Selma press and warehouse company.  
December 5, read first. December 6, read second, corporations. January 23, substitute passed. January 29, signed.
131. To amend sections 1400 and 1401 of Code.  
December 6, read first. December 7, read second, agriculture and commerce.
132. To incorporate Anniston.  
December 3, read first. December 4, read second, corporations. January 22, passed. January 23, reconsidered. January 24, passed. February 3, signed.
133. Liquor prohibition, Hilliard's  $\bowtie$  Roads, Pike county.  
December 5, read first. December 6, read second, temperance. February 12, passed. February 13, signed.
134. To amend charter of Gadsden.  
December 6, read first. December 7, read second, corporations.
137. To amend section 1776 of Code.  
December 6, read first. December 7, read second, corporations. January 23, passed. January 29, signed.
138. To authorize issuance of \$1,000,000 of bonds, &c.



- February 7, read first. February 10, read second, ways and means. February 11, amended and passed, reconsidered, amended and passed. February 12, re-called, amended and passed, Senate refuses to concur, committee of conference raised, report concurred in, Senate concurs, signed.
139. For protection of passengers on railroad cars.  
January 17, read first. January 20, read second, judiciary. February 13, amended and passed, Senate concurs, signed.
140. To provide for summary judgments against tax collectors.  
December 7, read first. December 9, read second, ways and means. January 21, report favorable, with amendment. January 22, amended and passed. January 23, reconsidered, recommitted. February 5, report favorable, with amendments pending.
141. For relief of University.  
December 4, read first. December 5, read second, education. December 6, passed. December 9, signed.
148. To amend section 629 of Code.  
January 17, read first. January 18, read second, judiciary. February 13, passed, signed.
156. To amend act fixing time of holding circuit courts in 12th circuit.  
December 6, read first. December 7, read second, select committee. December 9, report favorable, recommitted. January 28, report favorable, recommitted. February 7, amended and passed. February 8, Senate refuses to concur. February 11, committee of conference. February 12, report adopted. February 13, signed.
157. To amend sections 862, 863 and 864 of Code.  
January 31, read first. February 1, read second, judiciary. February 13, passed, signed.
158. To amend sections 4465, 4475, 4481 of Code.  
January 27, read first. January 28, read second, judiciary. February 13, amended and passed, signed.
160. To regulate licenses to sell liquors, &c.  
February 5, read first. February 7, read second, temperance. February 12, report favorable, lost.
161. To enable insurance companies to adopt or abandon the mutual plan, &c.

- January 24, read first. January 25, read second, corporations. February 13, passed, signed.
162. To authorize corporations to diminish number of directors.  
January 28, read first. January 29, read second, corporations.
163. To incorporate Lively, in Lee county.  
January 29, read first. January 30, read second, corporations.
165. To establish school district at Evergreen.  
January 17, read first. January 18, read second, education. January 22, amended and passed. January 24, reconsidered and recommitted. February 11, amended and passed. February 12, signed.
167. To prevent girdling, boxing, &c., of pine trees.  
February 1, read first. February 3, read second; agriculture and commerce. February 12, tabled. February 13, taken from table, passed, signed.
169. To repeal section 4 of an act to authorize Eufaula to adjust claims, &c.  
January 20, read first. January 21, read second, corporations. February 12, passed, signed.
170. For relief of E. M. Grimmer.  
February 5, read first. February 7, read second, education. February 13, passed, signed.
172. To authorize removal of remains from certain lots in Gadsden.  
January 20, read first. January 21, read second, local legislation. January 25, passed. January 28, signed.
173. For better protection of planters in certain counties.  
January 28, read first. January 29, read second, January 29, read first. January 30, read second, select committee. January 31, amended and passed. February 3, Senate refuses to concur. February 8, House recedes from part and agrees to part. February 10, Senate concurs, signed.
175. To require tax collectors of special tax to give separate bonds.  
January 30, read first. January 31, read second, ways and means. February 13, amended and passed, Senate concurs, signed.
177. For relief of Alexander C. Davidson.  
January 22, read first. January 23, read second,

- appropriations. January 30, passed. February 1, signed.
180. To incorporate North Port.  
January 28, read first. January 29, read second, corporations. February 12, passed, signed.
181. To punish the bringing of goods, obtained by false pretenses, into this State.  
January 31, read first. February 1, read second, judiciary. February 13, passed, signed.
183. To authorize M. T. Bunn, wife of H. L. Bunn, to act as administratrix of estate.  
February 1, read first. February 3, read second, judiciary.
185. To amend section 608 of Code.  
January 30, read first. January 31, read second, judiciary. February 11, passed. February 12, signed.
186. To amend section 731 of Code as to Montgomery county.  
January 20, read first. January 21, read second, judiciary.
189. To declare legal status of religious, &c., denominations.  
February 10, read first. February 11, read second, corporations.
190. Liquor law, Centenary institute at Summerfield.  
January 27, read first. January 28, read second, temperance. February 12, passed. February 13, signed.
191. For relief of Mrs. M. H. Turner.  
January 23, read first. January 24, read second, accounts and claims. February 12, passed. February 13, signed.
192. To prevent dismissal of a bill in equity for multifariousness.  
February 10, read first. February 11, read second, judiciary.
193. To define the lien of transferee of vendor of land.  
January 30, read first. January 31, read second, judiciary. February 13, passed, signed.
194. To repeal act to regulate publication of legal notices, as to DeKalb county.  
January 25, read first. January 27, read second, local legislation. February 13, passed, signed.
196. For relief of Sidney Kirkland.

- January 24, read first. January 25, read second, ways and means. February 13, passed, signed.
197. To provide more speedy administration of justice in Mandamus cases.  
January 29, read first. January 30, read second, judiciary. February 13, passed, signed.
200. To enlarge remedy by *certiorari*.  
February 10, read first. February 11, read second, judiciary.
202. To amend section 4373 of Code.  
February 10, read first. February 11, read second, judiciary.
204. To amend section 4359 of Code.  
February 10, read first. February 11, read second, judiciary.
205. To require probate judges to keep docket of estates, &c.  
February 6, read first. February 7, read second, judiciary.
207. To authorize Governor to appoint city judge of Montgomery.  
February 10, read first. February 11, read second, judiciary. February 13, passed, signed.
208. To provide for circuit court of Montgomery to be held by judge of eighth circuit.  
February 10, read first. February 11, read second, judiciary.
209. To refund taxes to Methodist Protestant Episcopal church at Montgomery.  
January 31, read first. February 1, read second, local legislation. February —, to appropriations. February 12, passed. February 13, signed.
210. To require tax collector of Chambers county to collect certain taxes.  
January 23, read first. January 24, read second, appropriations. January 31, passed. February 3, signed.
212. To repeal sections 57, 68 and 69 of Code.  
January 28, read first. January 29, read second, ways and means. February 11, passed. February 12, signed.
213. To amend charter of Florence.  
January 29, read first. January 30, read second, local legislation. February 12, amended and passed, Senate concurs. February 13, signed.
216. For relief of W. L. Ferguson.

- January 23, read first. January 24, read second, ways and means. February 11, passed. February 12, signed.
217. To create a fund to pay officers, &c., in criminal cases. February 10, read first. February 11, read second, judiciary.
218. To amend section 3949 of Code. January 27, read first. January 28, read second, judiciary. February 13, passed, signed.
219. To exempt growing crops from levy, &c., except for certain liens. February 10, read first. February 11, read second, judiciary. February 13, passed, signed.
220. To prevent property of tenant from being lovi ed on until landlord is paid. February 10, read first. February 11, read second, judiciary.
225. To fix per diem of commissioners of Bullock. January 24, read first. January 25, read second, local legislation. February 12, passed, signed.
226. To amend section 1821 of Code. February 4, read first. February 5, read second, corporations.
228. To amend liquor law as to Oak Grove, Montgomery county. February 7, read first. February 8, read second, temperance. February 12, tabled.
230. To refund certain money to Josiah Morris. February 10, read first. February 11, read second, select committee. February 13, tabled.
231. To refund excess of license. February 10, read first. February 11, read second, ways and means.
232. To incorporate Braxton Bragg M. Association. January 30, read first. January 31, read second, corporations.
234. Joint resolution instructing governor and treasurer to retire certain obligations of State. January 25, read, postponed.
235. To repeal act to incorporate Clanton. January 28, read first. January 29, read second, corporations. February 13, passed, signed.
236. To repeal act giving probate judge of Clarke county additional per cent. on fees. January 25, read first. January 27, read second,

- fees and salaries. February 12, passed. February 13, signed.
237. Liquor law, Coffeeville, Clarke county.  
January 27, read first. January 28, read second, temperance.
238. To change name of Selma Savings Bank.  
January 22, read first. January 23, read second, corporations. February 10, passed, signed.
239. To require registration of certain claims against Monroe county.  
January 28, read first. January 29, read second, accounts and claims. February 12, passed. February 13, signed.
243. To amend sections 2463 and 2467 of Code.  
January 28, read first. January 29, read second, judiciary. February 13, passed, signed.
244. To amend section 5064 of Code.  
February 10, read first. February 11, read second, judiciary. February 13, passed, signed.
246. To authorize sale of land of insolvent estates without taking testimony, &c.  
February 10, read first. February 11, read second, judiciary. February 13, passed, signed.
248. To make an appropriation for Normal school at Florence.  
January 28, read first. January 29, read second, education. February 11, passed. February 12, signed.
249. Liquor prohibition, Shiloh church, Blount county.  
January 27, read first. January 28, read second, temperance.
250. To amend charter of Uniontown.  
January 25, read first. January 27, read second, corporations. February 12, passed, signed.
252. To provide for repairing capitol.  
January 28, read first. January 29, read second, State capitol. February 12, amended and passed, Senate concurs. February 13, signed.
253. To repeal the law in regard to trial of misdemeanors as to Greene.  
January 23, read first. January 24, read second, judiciary. February 7, passed. February 8, signed.
257. To define corporate limits of Courtland.  
January 25, read first. January 27, read second, corporations.

258. To make section 3606 of Code apply to Blount county.  
February 1, read first. February 4, read second, judiciary. February 11, amended and passed. February 12, Senate concurs. February 13, signed.
259. To establish New Market school district, Madison county.  
February 4, read first. February 2, read second, corporations. February 13, amended and passed, concurred in, signed.
260. Relief of Thos. B. Patterson.  
February 1, read first. February 4, read second, ways and means.
262. To amend section 153 of Code.  
February 6, read first. February 7, read second, judiciary. February 13, passed, signed.
264. To prescribe fees of witnesses in county courts.  
February 11, read first.
266. To authorize governor to purchase two hundred copies of Clark's Manual.  
February 8, read first. February 10, read second, judiciary. February 13, passed, signed.
269. To regulate election of officers of city of Selma.  
January 25, read first. January 27, read second, privileges and elections. January 29, passed. February 11, signed.
271. To amend section 4207 of Code.  
February 10, read first. February 11, read second, judiciary. February 13, passed, signed.
272. To authorize Hale county to compromise bonded indebtedness.  
January 29, read first. January 30, read second, local legislation. February 12, passed. February 13, signed.
274. To amend section 1633 of Code.  
February 10, read first. February 11, read second, public roads and highways. February 12, passed. February 13, signed.
277. Relief of George Hughes.  
February 10, read first. February 11, read second, ways and means. February 13, passed, signed.
278. To provide for printing report of State geologist.  
February 4, read first. February 5, read second, education. February 11, passed. February 12, signed.

279. To establish normal school at Fayetteville.  
February 4, read first. February 5, read second,  
education.
280. To fix salary of judges of supreme court.  
February 10, read first. February 11, read second,  
fees and salaries.
284. To authorize county superintendent of Lee county to  
pay a certain debt.  
February 5, read first. February 7, read second,  
education. February 13, passed, signed.
285. To authorize governor, auditor and attorney general  
to compromise, &c.  
January 31, read first. February 1, read second,  
judiciary. February 13, substitute passed, Senate  
concurs, signed.
287. To authorize laying off into commissioners districts,  
Cullman and Etowah counties.  
January 30, read first. January 31, read second,  
local legislation. February 13, passed, signed.
290. Joint memorial asking for certain imports to be ad-  
mitted free of duty, &c.  
January 24, received. January 25, adopted. Janu-  
ary 28, signed.
291. To fix time of holding courts in 8th judicial circuit.  
February 4, read first. February 5, read second,  
judiciary. February 11, passed, reconsidered, passed.  
February 12, signed.
292. Relief of Calvin F. Carson.  
January 31, read first. February 1, read second,  
appropriations. February 12 passed. February 13,  
signed.
297. To change time of holding January term of circuit  
court for Blount.  
January 31, read first. February 1, read second,  
judiciary. February 11, passed. February 12, signed.
298. To repeal section 750 of Code, as to Fayette county.  
January 31, read first. February 1, read second,  
local legislation.
301. Relief of Hirsch Brothers.  
January 31, read first. February 1, read second,  
ways and means. February 13, passed, signed.
302. To fix time of fall term 1879 of circuit court of Clarke.  
January 31, read first. February 1, read second,  
judiciary. February 11, passed. February 12,  
signed.



303. To amend section 240 of Code.  
February 6, read first. February 7, read second,  
privileges and elections.
305. To authorize Union Springs to levy license tax.  
February 10, read first. February 11, read second,  
local legislation. February 13, passed, signed.
306. To incorporate State Bar Association.  
February 1, read first. February 3, read second,  
select committee. February 11, passed. February  
12, signed.
308. To authorize investigation of claim of late L. M. Stiff.  
February 5, read first. February 7, read second,  
accounts and claims. February 12, passed, signed.
309. To authorize Greenville to collect license tax.  
February 1, read first. February 3, read second,  
corporations. February 13, passed, signed.
312. To require railroad companies to give notice of arrival  
of freight.  
February 8, read first. February 10, read second,  
judiciary. February 13, passed, signed.
316. To require apportioners of roads in Fayette, Lamar  
and Marion to do road service.  
February 6, read first. February 7, read second,  
February 12, amended and passed, Senate concurs.  
February 13, signed.
317. To regulate hire of convicts.  
February 7, read first. February 10, read second,  
penitentiary. February 12, passed. February 13,  
signed.
318. To prescribe mode of granting liquor license in Clarke  
county.  
February 7, read first. February 10, read second,  
temperance. February 12, lost.
319. To amend sections 2735 and 2737 of Code.  
February 10, read first. February 11, read second,  
judiciary. February 13, amended and passed, Sen-  
ate concurs, signed.
320. To amend section 2809 of Code.  
February 1, read first. February 3, read second,  
judiciary. February 13 passed, signed.
322. Memorial in regard to harbor of Mobile.  
January 24, concurred in. January 31, signed.
- 322½. To define boundary line between Henry, Geneva,  
Coffee and Dale.  
February 3, read first. February 4, read second,

- counties and county boundaries. February 12, substitute passed, Senate concurs, signed.
323. To require commissioners of Henry county to make an appropriation to build court house.  
February 10, read first. February 11, read second, select committee. February 12, passed, signed.
324. To change line between Coffee and Geneva.  
February 1, read first. February 3, read second, counties and county boundaries.
325. To permanently locate county site of Geneva county.  
February 3, read first. February 4, read second, counties and county boundaries. February 12, amended and passed, Senate concurs. February 13, signed.
326. To prevent illegal impounding of animals.  
February 10, read first. February 11, read second, agriculture and commerce. February 12, passed. February 13, signed.
327. To authorize town of Greensboro to compromise bonded indebtedness.  
February 1, read first. February 3, read second, corporations. February 12, passed. February 13, signed.
328. Relief of Walker county.  
February 10, read first. February 11, read second, appropriations. February 12, passed. February 13, signed.
329. To provide a fund for pay of witnesses in circuit court of Dallas and city court of Selma.  
February 3, read first. February 4, read second, local legislation. February 12, passed. February 13, signed.
331. To provide for issuance of registered bonds in exchange for certain bonds.  
February 5, read first. February 6, read second, ways and means. February 13, amended and passed, Senate concurs, signed.
332. Joint resolution authorizing governor to appoint commission on intemperance, etc.  
January 27, read and adopted. January 29, signed.
333. To regulate volunteer militia.  
February 10, read first. February 11, read second, military. February 12, amended and passed, signed.
334. To remove administration of estate of Mary L. Gayle, deceased.

- February 10, read first. February 12, read second, select committee. February 13, passed, signed.
335. To confer circuit court jurisdiction in certain cases upon probate judge of Perry.  
February 10, read first. February 12, read second, local legislation. February 13, passed, signed.
337. To fix time of holding circuit court of Chilton.  
January 31, read first. February 1, read second, select committee. February 7, amended and passed. February 8, Senate concurs, signed.
338. To provide for registration of claims against fine and forfeiture fund of Blount county.  
February 3, read first. February 4, read second, local legislation. February 23, passed, signed.
339. To divide southern chancery division into districts.  
February 3, read first. February 4, read second, judiciary. February 11, amended and passed. February 12 Senate concurs, signed.
340. To fix time and places of holding courts in southern chancery division.  
February 3, read first. February 4, read second, judiciary. February 11, amended and passed, Senate concurs. February 13, signed.
341. To fix times of holding courts in 3d circuit.  
February 7, read first. February 10, read second, judiciary. February 11, passed. February 12, signed.
342. To prohibit sale of liquors at Armonville.  
February 5, read first. February 7, read second, temperance.
345. For relief of T. 2, R. 2, east, Madison county.  
February 5, read first. February 6, read second, education. February 13, passed, signed.
346. To regulate times of holding courts in western chancery division.  
February 1, read first. February 2, read second, judiciary. February 11, amended and passed. February 12, signed.
347. To authorize Bullock county to employ an attorney.  
February 3, read first. February 4, read second, ways and means. February 13, passed, signed.
348. To enable town of Leighton to more effectually have streets worked.  
February 6, read first. February 7, read second,

- public roads and highways. February 12, passed.  
February 13, signed.
- 349. To amend section 4731 of Code.  
February 5, read first. February 7, read second,  
judiciary.
- 350. To amend section 4546 of Code.  
February 6, read first. February 7, read second,  
penitentiary. February 12, passed. February 13,  
signed.
- 352. To amend section 2674 of Code.  
February 10, read first. February 11, read second,  
judiciary.
- 355. Relief of P. Sanguinetti.  
February 7, read first. February 10, read second,  
military. February 12, passed. February 13, signed.
- 356. To arrange, etc., districts and fix terms of courts in  
eastern chancery division.  
February 8, read first. February 11, read second,  
judiciary. February 13, passed, signed.
- 358. To amend section 4700 of Code.  
February 10, read first. February 11, read second,  
judiciary. February 13, passed, signed.
- 359. To amend section 3696 of Code.  
February 10, read first. February 11, read second,  
judiciary. February 13, passed, signed.
- 361. To prohibit sale of liquors at Garland.  
February 5, read first. February 7, read second,  
temperance.
- 362. To fix times of holding courts in second circuit.  
February 5, read first. February 7, read second,  
select committe. February 12, passed. February  
13, signed.
- 363. To expedite publication of supreme court reports.  
February 5, read first. February 7, read second,  
judiciary. February 13, amended, passed, signed.
- 364. To punish public drunkenness.  
February 9, read first. February 10, read second,  
judiciary.
- 365. To fix times, &c., of courts in 4th circuit.  
February 6, read first. February 7, read second,  
judiciary. February 11, passed. February 12,  
signed.
- 366. To allow John E. Foster to peddle, &c.  
February 10, read first. February 11, read second,  
local legislation.

368. Memorial to Congress on improvement of Tennessee and Coosa rivers.  
February 5, received. February 12, adopted. February 13, signed.
369. To fix times of holding courts in 6th circuit.  
February 6, read first. February 7, read second, judiciary. February 11, passed. February 12, signed.
370. To fix times, &c., of holding courts in 1st circuit.  
February 6, read first. February 7, read second, judiciary. February 11, passed. February 12, signed.
374. To authorize Montgomery and Selma to collect a quarantine tax.  
February 8, read first. February 10, read second, to select committee.
375. To establish normal school at Clayton.  
February 10, read first. February 11, read second, education. February 13, report favorable, indefinitely postponed.
378. To authorize the governor to transfer lien of State to Eufaula Railroad.  
February 8, read first. February 9, read second, ways and means.
379. To fix times, &c., of holding courts in 7th circuit.  
February 10, read first. February 11, read second, judiciary. February 13, passed, signed.